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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

TUESDAY, MARCH 15, 2005

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chair

Ms. Rosalie Mulé

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Elliot Block, Staff Counsel

Mr. Fernando Berton, Supervisor, Organics Materials
Management

Ms. Judy Friedman, Branch Manager, Organics & Resource
Efficiency

Ms. Toni Jiminez, Executive Assistant

Ms. Mary Madison-Johnson, Staff

Mr. Jim Lee, Deputy Director

Mr. Howard Levenson, Deputy Director

Mr. Jon Myers, Assistant Director, Public Affairs Office

Mr. Chris Peck, Supervisor, Media/Outreach Services

Ms. Patty Wohl, Deputy Director

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Marc Aprea, Republic Services

Mr. Sean Edgar, CRRC

Mr. Alex Helou, City of L.A.

Ms. Yvonne Hunter, League of California Cities

Mr. Steve Johnson, General Manager, Salinas Valley Solid
Waste Authority

Mr. Terry Leveille, TL & Associates

Mr. Richard Ludt, Interior Removal Specialists

Ms. Kay Martin

Mr. Bill McGavern, Sierra Club

Mr. Mike Mohajer

Mr. Michael Paparian, Former Board Member

Mr. Paul Relis, RRA, LLC

Senator David Roberti

Mr. Greg Shipley, Waste to Energy

Counsel Member Greg Smith, City of L.A.

Mr. Scott Smithline, Californians Against Waste

Mr. James Stewart, BRI Energy, Bioenergy Producers
Association

Mr. Kent Stoddard, Waste Management

Mr. Michael Theroux, Theroux Environmental

Mr. Roger Van Horn, LEA

Ms. Monica Wilson, Global Alliance for Incinerator
Alternatives

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. And welcome to
3 the California Integrated Waste Management Board meeting,
4 March Board meeting. We have a wonderful day, exciting,
5 and hopefully memorable for at least one person in this
6 room, if not all of us.

7 But before we start, would you please call the
8 roll?

9 EXECUTIVE ASSISTANT JIMENEZ: Washington?

10 BOARD MEMBER WASHINGTON: Here.

11 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

12 BOARD MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT JIMENEZ: Peace?

14 BOARD MEMBER PEACE: Here.

15 EXECUTIVE ASSISTANT JIMENEZ: Marin?

16 CHAIRPERSON MARIN: I'm here.

17 Thank you so much. We do have a quorum of the
18 Board, and we will now do the Pledge of Allegiance. We're
19 in a different room, so there is no flag. Oh, we have
20 wonderful staff. I can tell you that. That's very quick.

21 Rosalie, would you please do us the honor?

22 (Thereupon the Pledge of Allegiance was
23 recited in unison.)

24 CHAIRPERSON MARIN: Do we have any ex partes?

25 Ms. Peace.

1 BOARD MEMBER PEACE: I'm up to date.

2 CHAIRPERSON MARIN: Ms. Mulé.

3 BOARD MEMBER MULÉ: Up to date.

4 CHAIRPERSON MARIN: Mr. Washington.

5 BOARD MEMBER WASHINGTON: I'm up to date.

6 CHAIRPERSON MARIN: And so am I.

7 Today is a very special day for all of us. In a
8 way, it's bittersweet. We are here to celebrate the great
9 contributions of Mike Paparian to this Board, and we are
10 going to wish him a great amount of luck on his next
11 endeavors. We know he will contribute wherever he's going
12 as beautifully, as wonderfully, as thoughtfully as he has
13 to this Board.

14 And, Mike, you will be missed in more ways than
15 one. You know, we all have advisors, so today Mike
16 decided to bring two advisors with him; his son, Chris.
17 There's Chris. Thank you, Chris. And his lovely wife is
18 joining us up here.

19 (Applause)

20 CHAIRPERSON MARIN: What can I say, Mike?

21 We have a couple of things that we want to do for
22 you or to you. And to start off, we figured we should
23 just have a little bit of a clip that our incredible staff
24 has put together. So if you'd just turn around.

25 Mr. Myers, whenever you say.

1 (Thereupon a slide show presentation was
2 presented.)

3 CHAIRPERSON MARIN: Well, that was just -- what
4 do you call that? A preview. It was a tease to make sure
5 that you all stay here.

6 But, Mike, I don't know if you realize that all
7 of us are wearing something green today. Everybody that
8 is wearing green, could you please stand up and pay
9 tribute to Mike.

10 (Applause)

11 CHAIRPERSON MARIN: It's to honor you, Mike.

12 Let me just share -- well, let me ask Jon, what
13 about the other thing that we have?

14 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:
15 We're going to give it one more try.

16 Nope. Go to your next one.

17 CHAIRPERSON MARIN: Okay. Actually, Mike, as you
18 know, I like to have some fun with things. And we decided
19 to come up with the top ten things that will never come
20 out of Mike's mouth. These are the ten things Mike
21 Paparian will never ever be heard to say.

22 Number 10, "Wouldn't it be easier to just cut
23 down more trees than recycle paper?"

24 Number 9, "Roads made out of used tires, yeah,
25 right. That'll be the day."

1 Number 8, you know, being the computer nerd he
2 is, you would never hear him say, "I don't understand why
3 anyone would want to throw out old computers anyway."

4 Number 7, "There are way too many recycle bins in
5 this office."

6 Number 6, "Could someone turn on more lights
7 around here, please?"

8 Number 5, "Hmm, should I get the red Hummer or
9 the black one?"

10 Number 4, "If only I could get more camera time."

11 Number 3, "No, thanks. I'm full."

12 Number 2, "Hey, Rosario, where can I find shoes
13 like those?"

14 And the Number 1 thing that Mike Paparian will
15 never be heard to say, "Hey, Kathy, is my 10:00 with Exxon
16 here yet?"

17 (Applause)

18 CHAIRPERSON MARIN: What we're going to do is
19 allow each one of the Board members to say a couple of
20 words about Mike and what it's been to work with him.
21 Then we'll have our staff members say one or two things.
22 And we have 10 million things to say about Mike, but we'll
23 just limit that. And then we will have some of the
24 members from the public who would be very gracious coming
25 up and saying a couple of things and pay their tribute to

1 Mike.

2 So Mr. Washington -- is it Cheryl or Washington
3 that has worked with him the longest? Carl. Okay. I was
4 right. Mr. Washington.

5 BOARD MEMBER WASHINGTON: Thank you.

6 Let me say that Mike is certainly going to be
7 missed around here. When I came to the Board, my voting
8 record on environmental issues in the Legislature, I had a
9 98 percent voting record with environmental folks when I
10 was in the Legislature. And I had a conversation with
11 Mike about how this thing worked. I hadn't had the grasp
12 of what the Integrated Waste Board was all about and how
13 the different industry versus environmental and the rest
14 of us are public members. And Mike said, "Carl, just make
15 sure you take care of the environment." And I said,
16 "Well, you know, that's a great thing. But what am I
17 taking care of?" So he kind of broke it down and told me
18 how this thing worked.

19 And I have really, really enjoyed working with
20 you. It has been an awesome experience with the breadth
21 of knowledge that Mike has. And I am disappointed he
22 didn't get reappointed to this Board. I really am. And I
23 know that you'll do well wherever you go, Mike, because
24 that's the person you are. The staff you have working
25 with you are very professional individuals. And because

1 of who you are, you've really made our Board a valuable
2 Board in the state of California.

3 And it is our job to protect the environment and
4 make sure that the people of California are safe and they
5 live in safe environments. And so I say to you that
6 Godspeed, whatever you decide to do. And I know you'll do
7 it well. And he speaks highly of his family. I'm glad I
8 had a chance to meet his son and wife. I know you'll do
9 well. God bless you, Mike.

10 CHAIRPERSON MARIN: Ms. Peace.

11 BOARD MEMBER PEACE: Mike, I just want to let you
12 know how much I have enjoyed working with you these past
13 two years. And I'm also so disappointed that you weren't
14 reappointed.

15 You know I admire so much your dedication to this
16 job and admire your passion for protecting our environment
17 and conserving our natural resources. Your experience,
18 your expertise, and you will be greatly missed around
19 here. And I just wish you the best of luck. I know you
20 will land in a place where you can continue your fight to
21 green California. We're going to miss you.

22 CHAIRPERSON MARIN: Thank you.

23 Ms. Mulé.

24 BOARD MEMBER MULÉ: Mike, we haven't had a long
25 time to work together, but I do want to tell you how much

1 I've enjoyed working with you the short time I've been on
2 the Board here. And I just want you to know how much I
3 appreciate how you've welcomed me to the Board. You've
4 shared a lot with me and took me under your wing, so to
5 speak, on a number of issues and just shared your
6 knowledge and expertise, which I found invaluable. And I
7 just want you to know how much I appreciate, again, the
8 way you welcomed me here to the Board and the working
9 relationship that we had developed in a short time I've
10 been here.

11 Your expertise, your passion, your knowledge will
12 be missed. I mean, I personally have just been very
13 impressed with the gusto that you bring to the office and
14 bring to this Board every day. And it's going to be
15 missed quite a bit. But I also know that wherever you go,
16 you're going to do great things, and you're going to
17 continue to do what you feel is in your heart. And that
18 is to protect the environment of this great state of
19 California. So I wish you all the best. And thank you.

20 (Applause)

21 CHAIRPERSON MARIN: Okay. Mr. Leary.

22 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
23 Chair.

24 And, Mike, on behalf of Exec staff and all the
25 staff of the organization, all 430-some of us, I want to

1 just pay my respects and offer our observations in
2 appreciation for the leadership you brought to the Board.

3 This organization, I think, before you arrived
4 thought it knew what it was talking about when we talked
5 about product stewardship and we talked about waste
6 reduction and we talked about sustainability. But like a
7 good leader, you took the good nuggets, little nuggets of
8 ideas and through the combination I think of your passion
9 and your persistence, you took us to new levels. You took
10 us to national prominence in issues like e-waste,
11 sustainability, and product stewardship. And we
12 appreciate that about you. That's what a good leader
13 does. And as a member of this Board and a true leader on
14 these subjects, you took us to the highest levels. And we
15 appreciate that about you. We appreciate your leadership.

16 We'll miss your qualities of your attention to
17 detail, your willingness to sit down and work with us in
18 work groups, and contribute as a member of the
19 organization, not only as its leader, but as a working
20 contributor to the organization. And that side by side
21 relationship means everything to staff of this
22 organization. So on behalf of all the staff, we'll miss
23 you, of course. And we greatly appreciate your
24 contribution. Thank you.

25 (Applause)

1 CHAIRPERSON MARIN: At this point in time, there
2 are some members of the public -- don't everybody come in
3 at once. But we actually have some slips. Great. Okay.
4 Thank you.

5 Mark Murray.

6 MR. MC GAVERN: Mark is going to let me go first.
7 It's very gracious of him.

8 CHAIRPERSON MARIN: Did you guys have a duel to
9 see which one would go first?

10 MR. MC GAVERN: Well, he was kind enough. We
11 have a certain organizational prerogative here. I'm Bill
12 McGavern with Sierra Club California.

13 And I'm not sure how many people here realize it,
14 but before Mike came to the Waste Board, Sierra Club was
15 actually the only place he'd ever held down a job. So
16 we've been very proud to call him an alumnus and, of
17 course, still a valued member of Sierra Club.

18 Mike's leadership on the Board has been very
19 important to the entire environmental community on issues
20 like e-waste and product stewardship and trying to green
21 the operations of the state government itself. And I
22 think equally important, he always made the environmental
23 community feel like we had someone to talk to on the Board
24 and that this was a place where we could come and give our
25 views. And that's most important, not just for people

1 like me and Mark, who are used to being here, but for
2 community representatives for whom it's not so easy to
3 come before the state government and actually express your
4 opinions.

5 And I think also it's very important to have in
6 this job somebody who thinks that it can be really cool to
7 go to an industrial facility where used tires are ground
8 up into crumb rubber, and someone who's willing to make a
9 lot of trips like that and really find out what's
10 happening in the innards of the process. And so we're
11 also appreciative to Kate and Chris and Matthew for
12 allowing Mike to take those trips and spend that time on
13 the road.

14 Although some have said nobody should be paid
15 this kind of salary for going to two meetings a month,
16 those of us who've worked with Mike know he did a whole
17 hell of a lot more work than going to two meetings a month
18 and treated this as much more than a full-time job.

19 So on behalf of the environmental community, we
20 are very thankful to Mike for all of his service here.
21 Mike, you're going to be very missed here on the Board.
22 But we very much look forward to working with you in the
23 future. And after you left Sierra Club after over
24 20 years, we had hoped that you would have a similarly
25 long tenure in this, your second job, but certainly wish

1 you well in your third job. Thanks.

2 (Applause)

3 CHAIRPERSON MARIN: Now we know he just can't
4 keep a job. What can we say?

5 Mark, how are you?

6 MR. MURRAY: I'm good. Board members, Mark
7 Murray with Californians Against Waste.

8 And it has been my pleasure to work with Mike
9 both in his previous job and in this job for some 16 years
10 now. And, in fact, actually, Mike was one of the first
11 people to turn me down for a job when I tried to get a
12 position at the Sierra Club some 16 years ago.

13 But other than that, you know, I wanted to just
14 maybe touch on a couple things that Mark alluded to and
15 that Bill alluded to. First off, that Mike has brought to
16 this Board -- you know, there are a lot of -- throughout
17 the country, there are a lot of folks that look to
18 California for leadership on solid waste and recycling
19 policy. And a lot of those policies have emanated from
20 this Board.

21 For the last several years, the spokesperson, the
22 person that the national recycling and environmental
23 community has seen as the face of the Integrated Waste
24 Management Board has actually been Mike Paparian. He's
25 the person that has gone to those conferences and those

1 forums and done those tours, because he really likes to
2 wear the hard hat. And it's been the national folks, the
3 national environmental community, the national recycling
4 community that has actually seen Mike and listened to him
5 talk passionately about these environmental policies and
6 talk about the idea of zero waste and the idea of product
7 stewardship and the idea of an electronic waste recycling
8 system.

9 And so Mike's work has not just been felt here in
10 California in terms of actually ushering these policies
11 through, but he's actually by communicating them, by being
12 a representative of the state of California and
13 communicating these ideas to environmental leaders and
14 recycling leaders and State legislators and policymakers
15 across the country, he's got folks thinking, "We can do
16 that, too." So Mike's legacy is going to be not just felt
17 here in California, but literally across the country.

18 It may not have always seemed that way, but Mike
19 has absolutely always been a team player. On those
20 occasions when he's gone out there passionately on maybe a
21 bit of a left plank, that's our fault. That's because on
22 many occasions we asked him, we said, "We know we're going
23 to lose this one, but we need you to make this statement.
24 We know you believe this, but it's important for us to
25 kind of make this point. And we're asking you to kind of

1 maybe go off the plank on this one." And for that, Mike,
2 we really appreciate that. I know that was kind of
3 something you wanted to do in your heart, but I know at
4 times it did kind of put you out there relative to the
5 rest of the Board members. But on most of the occasions,
6 we felt that while we were bringing you a perspective, we
7 felt you were also giving us a very important perspective.

8 And this is important for all you to know, that
9 Mike was very helpful in communicating to us what was
10 happening in the heads of the other Board members and
11 helped us to kind of come here with what we think were
12 thoughtful, kind of, compromise positions on things in
13 order to move things forward. Mike was very valuable to
14 us in helping us come up with an agenda that worked for
15 all stakeholders. And I think maybe not for me to thank
16 you, but I think a lot of other folks in the room owe you
17 a thanks for the fact this Board got a hell of a lot done
18 during your tenure on the Board. And that was because you
19 helped rein us in on a number of issues. And I think
20 that's helped make this Board productive and increased is
21 credibility and its effectiveness.

22 You've also been a team player in terms of the
23 folks that you've surrounded yourself with. And I just
24 think I want to thank and use this opportunity to thank
25 Peggy and Sue and Kathy Fletcher for -- Mike, you know,

1 you've helped them, really given them an opportunity to
2 dig into some issues and create an interesting and dynamic
3 experience for them. And we have appreciated the fact
4 that we can pick up the phone when you weren't available
5 and talk to them and feel like, you know, we were talking
6 to you.

7 So, again, maybe my final thanks is electronic
8 waste issues. Certainly something that we've worked very
9 hard on over the last three years. I thought the real
10 challenge was going to actually be the adoption of the
11 legislation. It ends up that the real challenge was
12 actually getting the very state agencies, the Department
13 of Toxics, the Waste Board, and the Board of Equalization
14 to actually work together to make this happen. Mike was
15 the person that kind of, in a very polite way, knocked
16 some heads together and helped make that happen. And,
17 Mike, we really appreciate that. We now have the absolute
18 best e-waste recycling program in the country. And I
19 think it's clear to everyone that a tremendous amount of
20 thanks for that goes to you.

21 So for the past 16 years that I've known you, for
22 the past several years on the Integrated Waste Management
23 Board, and hopefully for many years in the future working
24 on these issues, thank you, and look forward to working
25 with you again.

1 CHAIRPERSON MARIN: Yvonne Hunter from the League
2 of California Cities.

3 MS. HUNTER: Madam Chair, members, Yvonne Hunter,
4 League of California Cities.

5 Hi, Kate. It's nice to see you. Hi, Chris.

6 I, too, like Mark and Bill are saddened that
7 you're not going to be with us on the Board. I know
8 you'll be with us elsewhere. And that you didn't get
9 reappointed. You have brought a passion to what you've
10 done, just like you did when you were in the Legislature.
11 And I remember a couple of times sitting next to you. I
12 think one actually in Assembly, then it was Weighs and
13 Means, on some environmental bill. You brought passion.
14 You brought intelligence. And if that wasn't enough, you
15 also brought integrity to the process. And for all of us
16 who represent different stakeholders, but for me speaking
17 on behalf of the Leagues and the Cities, I thank you for
18 that.

19 You also had the good sense to bring Kit Cole and
20 Kathy Fletcher. And all of us thank you for that. And
21 like Mark when -- you were always available, which was
22 wonderful. You always returned my calls, even one from
23 the Electronic Trade Show somewhere in Texas you called me
24 at 9:00 at night at home. And I appreciate that. But Kit
25 and Kathy were always available to work out difficulties.

1 The leadership that you brought to the e-waste
2 situation and the e-waste dilemma, how do we do a bill,
3 both through the legislative side and when we were working
4 on the regulations was unsurpassed. And I think I don't
5 want this to sound like a eulogy, but you've done so many
6 wonderful things, but that, I think, really is your
7 legacy. Because without you, I don't think it would have
8 happened. And it certainly wouldn't have happened as well
9 as it did.

10 You've been a good friend to local government.
11 You've been a good friend to me while you were at the
12 League and in our previous lives. And I thank you and I
13 thank Kate for that. And wherever you land in the future,
14 I look forward to working with you.

15 And I had a note here on this and then I
16 scratched it out and said no, I can't say it. But what
17 the hell. And what I'm wondering is when you are going to
18 begin a recycling program for brown tubs. Only a few
19 people know what that means.

20 Mike, thank you very much. We love you. You've
21 been great. Good luck.

22 CHAIRPERSON MARIN: Senator Roberti.

23 SENATOR ROBERTI: Thank you, Madam Chair. It was
24 my privilege -- well, it's been my privilege to know Mike
25 forever almost. He was a lobbyist for Sierra Club before

1 the Legislature for many years. I appointed Mike to an
2 environmental board, and was proud of his accomplishments.
3 And we've heard a lot of his accomplishments.

4 What everyone has said, we really wouldn't have
5 an e-waste program as effective and as a landmark program
6 if it hadn't been for Mike Paparian's leadership. And for
7 that, he deserves not only our praise, but the praise of
8 all the people in the state of California. Truly, that is
9 a legacy that you can be proud of and that your son can be
10 proud of. And it's going to live longer than all of us
11 here. And on product stewardship, he was a constant
12 voice.

13 I want to talk about something else about Mike,
14 though. It's his demeanor. He's just a very nice person.
15 He gets what he wants with a soft voice. I don't think
16 I've ever heard him raise his voice. I don't think I've
17 ever heard him get angry. I'm sure he does, but never in
18 public. And he has, as his default position, that
19 half-smile. And that's very nice. It's pleasant. Not
20 too pleasant, but never nasty. And he gets his way,
21 because he's persistent as well.

22 So the environmental community will miss Mike
23 Paparian, but not very long. And the state of California,
24 speaking as a former leader of the state of California,
25 certainly owes you an enormous debt of gratitude for what

1 you've done.

2 CHAIRPERSON MARIN: Thank you, Senator.

3 (Applause)

4 CHAIRPERSON MARIN: Terry Leveille.

5 MR. LEVEILLE: Mike, I echo all the previous
6 comments. You've been a great representative for the
7 environmental community. I know it's a tough one. And
8 you've certainly, you know, earned your stripes. Ninety
9 percent of the time we agree. Maybe 10 percent of the
10 time on tire issues we have some disagreements. But I've
11 always respected your point of view.

12 And I think that the most telling thing about you
13 was last week we had a hearing with the Rubber
14 Manufacturers, and they gave a real good presentation on
15 various aspects of tire-related issues. And I kept
16 pinching myself from time to time saying, "I wonder what
17 Mike would do. I wonder what questions Mike would ask of
18 these guys." And I really miss that. And we're left with
19 a good Board, and they asked excellent questions. But I
20 think you come from that perspective and that very
21 thoughtful background that we really are going to miss.

22 And we wish you the best of luck. And you know,
23 we hope you carry on with your work and look forward to
24 working with you in the future. Thank you.

25 (Applause)

1 CHAIRPERSON MARIN: Mike Mohajer. You're not
2 wearing green.

3 MR. MOHAJER: Couldn't afford it.

4 Madam Chair and Board members, Mike, this is the
5 first time I've come to the public podium to actually
6 express my appreciation to the working relations we had.
7 I met Mike probably after a few months when he got
8 appointed to the Board. Our first meeting lasted over two
9 hours. We were talking about the landfill and
10 specifically what to do with the landfill gas migration
11 and what we implement in Los Angeles County. And we have
12 our differences, and we mostly agreed on most of the
13 issues. And I really enjoyed working with you, especially
14 on the product stewardship, e-waste. I think that's
15 something that is going to stand out, at least in my mind.

16 And then after I retire in -- when was it? In
17 2003, seems to be yesterday, Mike and former Chair Linda
18 Moulton-Patterson came out actually to L.A. and the Task
19 Force meeting and provided me with a resolution, which it
20 really was a very emotional day. So I told myself, I
21 can't let you go. I don't have a resolution, but I hope
22 you accept whatever I said today as a resolution. Thank
23 you very much, and best of luck.

24 CHAIRPERSON MARIN: Thank you so much. We have a
25 few more. Sean Edgar.

1 MR. EDGAR: Mr. Paparian, Madam Chair, Board
2 members.

3 Mike, thank you on behalf of the California
4 Refuse Removal Council for all your efforts toward making
5 this Board a better place and making California a better
6 place.

7 I would add that a man is judged by what others
8 say about him. And in your case, we've heard a lot of
9 wonderful things this morning. I would just add a few
10 things to that list.

11 Occasionally, with professional careers at
12 transition time, folks talk about baggage, who comes to a
13 position with some baggage and who leaves with baggage.
14 And, Mike, I would say that you have luggage. And your
15 luggage was full of 20 years of experience. And I feel
16 that you really put that work to use here at the Board.
17 We're interested to perhaps work on that recycling program
18 for the luggage, which we can talk about a little bit
19 later.

20 But what our association has noted over the years
21 has been your leadership on e-waste, on multi-medium
22 items, on green building. The list goes on and on. And
23 what we've appreciated, and I think similar to
24 Mr. Mohajer's comments that there have been occasions not
25 everything we've agreed on, but I think the core

1 principles of making California a better place, this
2 Board's efforts to do so, and your integrity in doing so
3 have been ultimately appreciated by us.

4 I'll just add in closing that I think there are
5 teary eyes amongst amongst our Armenian American haulers
6 in Southern California. But I will just leave with the
7 sentiments of one in particular. He would say with
8 affection, "Mike, we love you. Thanks for all you did for
9 the private solid waste industry and our partnership over
10 the years. And looking forward to working with you
11 again." Thank you.

12 CHAIRPERSON MARIN: Marc Aprea.

13 MR. APREA: Madam Chair, members of the Board,
14 Mike, it is with a little bit of sadness I come here
15 today. Not to say goodbye, but to wish you well on your
16 future endeavors.

17 I remember the first time you and I met. I think
18 it was with Mark Leary and I when we both worked for BFI.
19 And then, as now, you were thoughtful. You listened. And
20 you provided comments that made us think. I think others
21 have said it already today, but I want to reiterate that a
22 person can be best judged by the company that he keeps.
23 And your staff now as well as throughout your career has
24 been outstanding. And you should be congratulated for
25 your judgment in picking staff.

1 And I think that in closing I'd like to say that
2 you exemplify the best about this Board and why this Board
3 ought to be maintained and not disbanded. So my best
4 wishes to you and my heartfelt thanks.

5 (Applause)

6 CHAIRPERSON MARIN: Thank you.

7 And last, but not least, Kent Stoddard.

8 MR. STODDARD: Thank you very much, Mike and
9 Board members.

10 I have known Mike forever, friend, neighbor,
11 colleague. And I think I speak for all the industry, we
12 are very disappointed that he was not reappointed to this
13 Board. The intelligence, integrity, dedication that he
14 brought to his position on this Board was remarkable. And
15 it's a better Board because he served on this Board. And
16 he's going to be, I think, greatly missed by all of us.

17 We all got a fair shake with Mike. We did not
18 always agree on everything, but we always got a fair
19 shake. We always had access. We always had an
20 intelligent conversation. And that is going to be greatly
21 missed.

22 So I want to thank him for everything he's done
23 on this Board, particularly I thank him for Kit Cole. The
24 leadership on e-waste, too, I think just has national
25 ramifications. That was tremendous work. So you're going

1 to be greatly missed. We're not going to say too many
2 nice things today, because the industry could ruin your
3 environmental reputation if we don't know when to stop.
4 So thank you very much.

5 (Applause)

6 CHAIRPERSON MARIN: Actually, I think we have a
7 little green friend that wants to say hello to you.

8 (Thereupon a slide show presentation was made.)

9 (Applause)

10 CHAIRPERSON MARIN: Well, Mike. Well, after
11 everything that has been said, you know, the next person,
12 whoever the Governor decides to appoint, has really some
13 shoes to fill. And it will be this big. Oh, I'm sorry,
14 Mike. That's actually not that one. This here.

15 Mike, we want to send you with a couple of
16 things, obviously, a Resolution that -- I just wanted to
17 make sure that you didn't sign this one. Let me just read
18 it, Mike. Do you want to come over here?

19 This is the Resolution commending Michael
20 Paparian. I'll read a couple of things, Mike.

21 "Whereas, Mr. Paparian's abiding legacy at
22 the Board is the crucial role that he has played
23 in vigorously and evenly advancing California's
24 effort to reduce, reuse, and recycle waste
25 materials, manifested most notably by his vision

1 and leadership on electronic waste issues and the
2 establishment of California's Electronic Waste
3 Recycling Act of 2003, and is a national
4 recognized expert in the field.

5 "And, whereas, Mr. Paparian is passionate
6 about reducing negative impacts on the
7 environment through sustainable practices and
8 demonstrating that money and resources can be
9 saved at the same time, thereby ensuring a
10 healthy and prosperous California for our
11 children and their children.

12 "And, whereas, Mr. Paparian has led the
13 effort in conjunction with CalEPA to green state
14 government and lead by example, providing a
15 visible role model to the public and private
16 sectors on how to reduce environmental impacts,
17 implement environmentally-preferable purchasing
18 programs, and improve energy and water
19 efficiency, all in a cost-effect manner. This
20 effort is moving forward concurrently with the
21 Green Building Initiative signed by Governor
22 Schwarzenegger in December 2004.

23 "And, whereas, believing all public agencies
24 have an obligation to be totally accessible to
25 the public, Mr. Paparian early in his term

1 ensured that the Board broadcast all meetings
2 over the Internet, one of the first State
3 agencies to do so, while having all transcripts
4 posted on the Board's website, enabling
5 stakeholders and the general public adequate
6 opportunities to provide input."

7 And on and on and on. There's a lot of things.

8 "Therefore, be it resolved, that the
9 California Integrated Waste Management Board and
10 staff hereby extends its sincerest respect,
11 gratitude, and appreciation for Mike Paparian's
12 contribution as a steward of the environment and
13 life-long protector of public health and safety."

14 (Applause)

15 CHAIRPERSON MARIN: Well, we'll give him time to
16 say something. Your Board members, we have a little
17 something. It's not green.

18 BOARD MEMBER PAPARIAN: That's really nice.
19 Thank you.

20 (Applause)

21 BOARD MEMBER PAPARIAN: Thank you, all. I'm a
22 little choked up. I really appreciate all of the
23 accolades. I will really cherish today and the things
24 that were said as well as my four-and-a-half years on the
25 Board. I wouldn't have traded that for anything.

1 The leadership and innovation that the Board has
2 been known for, I'm glad I had a chance to participate in
3 some of that. I really want to thank you for allowing me
4 to do so and allowing some of the good things that
5 happened over the last few years to take place, you know,
6 expanding product stewardship efforts, expanding the
7 efforts to make our Board more accessible to the public,
8 moving towards zero waste. The first state agency in the
9 country to adopt zero waste as a goal. And the electronic
10 waste program, near and dear to my heart.

11 I think everybody met my wife and son, Kate and
12 Christopher Paparian. My other son had an important math
13 test today. And the way they move them along in middle
14 school right now, Matthew really needed to be there.

15 I also want to thank, you know, my staff for the
16 last few years, Sue Kumpulainen, Kathy Fletcher, Peggy
17 Farrell, who's been with me since the very beginning. And
18 then those who've graduated from my staff, Mark Kennedy,
19 Donnell Duclo, and Kit Cole, who graduated, who's
20 surrogate Kent Stoddard is here today. All of them have
21 been wonderful to work with, as have all the staff here at
22 the Board. Again, the willingness of the staff here and
23 the stakeholders to roll up their sleeves, recognize the
24 problems at hand, and to really do what's necessary to get
25 things done really made my job a lot easier. And I'm

1 very, very thankful that I had the opportunity to spend my
2 last four-and-a-half years here being part of the
3 successes of the Board. Thank you very much.

4 (Applause)

5 CHAIRPERSON MARIN: We're going to have right now
6 a small reception for Mike, and everybody is welcome to
7 come. I think we have coffee and donuts. And we're
8 running a little bit late, so by 11:00 we will reconvene.
9 Thank you so very much, Mike.

10 (Thereupon a recess was taken.)

11 CHAIRPERSON MARIN: We are reconvening our Board
12 meeting for the Integrated Waste Management Board.
13 Welcome back, everybody. Just so that you know, that was
14 lunch.

15 Let me find out, ex partes, anybody?

16 Ms. Peace?

17 BOARD MEMBER PEACE: I did talk to Scott
18 Smithline of Californians Against Waste regarding the
19 Conversion Technology Report.

20 CHAIRPERSON MARIN: Okay. Ms. Mulé.

21 BOARD MEMBER MULÉ: Actually, I talked to a lot
22 of people, but it was just mostly meet and greet.

23 CHAIRPERSON MARIN: Okay. Mr. Washington.

24 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

25 I spoke to Scott Smithline, and I think that was

1 it, regarding the technology. And then like Board Member
2 Mulé, Mike Mohajer, Chuck Helget, Senator Roberti, and C&C
3 Recycling folks, just saying hello to them.

4 CHAIRPERSON MARIN: I talked to so many people.
5 I can only remember a few. David Roberti; Mr. Johnson
6 from the Salinas Valley Waste Management Authority;
7 Richard Ludt; Yvonne Hunter; Scott Smithline. And there's
8 a whole bunch of other people I also said hello and
9 goodbye, but I cannot remember all of them. So that is
10 that.

11 The next thing that we're going to be doing is
12 reports from Board members.

13 Oh, you know, sometimes we get this little static
14 on the air. I'm just going to ask if you can please turn
15 off your cell phones. We understand that that may
16 interfere with our great audio system here. So if you
17 please turn off your cell phones, I would really
18 appreciate it. And for those of you that want to address
19 the Board on items not scheduled to be heard on this
20 agenda, there's a public input time that comes right at
21 the beginning, but after we give our presentations. And
22 at this point in time you're welcome to address the Board
23 on items that are not on the agenda.

24 And then we will hear a few items. We will have
25 a very short lunch. And after that, I know that some of

1 you are here for the conversion technology. I will tell
2 you right now we will hear that after lunch. It will
3 probably be the last item that we deal with. So if you
4 need to do certain things, you can come back right after
5 lunch.

6 Okay. Reports from Board members. What did you
7 do this month, Ms. Peace? I know you were busy.

8 BOARD MEMBER PEACE: We had an excellent workshop
9 on the Five-Year Tire Plan on March 3rd. I would like to
10 thank Chair Marin and Board Member Mulé for joining Carl
11 Washington and I on that effort. I want to also thank
12 Sally French and Mitch Delmage and all the Tire staff
13 who've been working so diligently to incorporate the Board
14 members' and stakeholders' input, as well as giving us
15 their own opinions.

16 We gave staff some direction on revising the
17 structure of the report to make it more concise and less
18 redundant and tie together the program's objectives and
19 performance measures. I would like to say it is moving
20 along nicely.

21 There still needs to be a few things we need to
22 iron out, one on the details on merging assistance for the
23 tire-derived businesses with the Business Assistance
24 Program. There's still some questions about a state
25 agency partnership with the Prison Industry Authority.

1 And there's still some questions about a tire mapping
2 contract with DHS and the Mosquito Vector Control
3 Association of California. But I think all those things
4 can be worked out. And the final draft should be before
5 the Board I believe in May.

6 Also I met down in Southern California with Reza
7 Izadi from the Southern California RAC Tech Center to
8 discuss the Center's role in the new technology assistance
9 and outreach plan being proposed in the Five-Year Plan.

10 CHAIRPERSON MARIN: Thank you, Ms. Peace.

11 Ms. Mulé.

12 BOARD MEMBER MULÉ: Thank you, Madam Chair.

13 On February 17th, I attended the CRRRA Board of
14 Director's quarterly meeting in Los Angeles. And the
15 purpose of that meeting or my attendance at that meeting
16 was they invited the Board to present some ideas on how we
17 can work together. And, basically, I asked them for some
18 information on what they thought how they can work closer
19 with the Board in some of our efforts. And so it was a
20 good meeting.

21 The next day I was with you at the American Honda
22 Motor Company presenting the WRAP Award. And I'm going to
23 let you talk a little bit more about how special that
24 presentation was.

25 On March 1st, I attended the California Biomass

1 Collaborative Forum here in the Byron Sher Auditorium.
2 And very interesting presentations and tie-ins as I see it
3 to conversion technologies, which we will hear about this
4 afternoon.

5 And I want to thank Chair Peace and Board Member
6 Washington for allowing us to sit in on the Five-Year Tire
7 Plan Workshop. Again, it was very, very interesting to
8 sit and listen to some of the things that we're working on
9 and to be able to have input into that.

10 And also last Friday I was with the League of
11 California Cities, the CSAC, and RCRC. They have a
12 working group Mr. Schiavo was at in terms of looking at
13 939 compliance options. And I thought that was a great
14 meeting and want to thank, again, Pat, for all your work
15 with this effort. You're just doing an outstanding job.
16 And I can't thank you enough.

17 And that concludes my report, Madam Chair.

18 CHAIRPERSON MARIN: Thank you.

19 Mr. Washington.

20 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

21 Let me ditto the comments of Chair Peace and
22 Ms. Marin with the Five-Year Tire Plan. I definitely want
23 to thank staff with Mitch and Sally and Victoria. They
24 have really done an outstanding job of bringing this
25 Five-Year Tire Plan in the condition it's in now. And I

1 really want to thank them for the work they've done on
2 that plan.

3 I also met down in Southern California with the
4 Southern California RAC folks. They're being innovative
5 and really trying their best to be productive in their
6 operation down in Southern California. And we're going to
7 continue to work with them to make sure that we do
8 everything we can to help assist them in their efforts.
9 So it was really a good meeting. And thanks, staff, for
10 working with those folks. They're not where they want to
11 be, as we all know. But we thank you for what you guys
12 have done to work with them, Jim, and your team for really
13 putting the effort out there to work with those folks.

14 And that concludes my report.

15 CHAIRPERSON MARIN: Thank you, Mr. Washington.

16 I should let you know I had a pretty busy month.
17 I attended a full-day Interagency Working Group with
18 CalEPA on the environmental justice hearing. That was
19 really, really nice.

20 I went on 2/17 to give a speech to the Salinas
21 Valley Waste Management Authority. It was very impressive
22 to listen to this group of people talking about what they
23 need to do in the next seven years for their waste
24 management issues. And I was very impressed. Oftentimes,
25 I hear what counties or cities are doing, and they're

1 looking at what we're going to do for the next 15 years.
2 The State does that, you know, for the next 15 years.
3 Some cities for the next 20 years. But you had a group of
4 people thinking about what the needs are going to be for
5 the next 70 years, and how they're going to address that.
6 That's really amazing.

7 On the 18th, we visited Honda. We gave them --
8 they were one of our ten WRAP of the Year Awards. And
9 what was so moving about this particular small company in
10 the United States based in Torrance, California, they have
11 done a remarkable job. It's part of their culture to
12 recycle. And every year they improve. And as a matter of
13 fact, we have given them awards every year. They do get
14 an award. But this one was one of the ten-year awards
15 that we give at the state level.

16 What was remarkable is that they were able to
17 bring in and have this group of people who are
18 developmentally disabled. That is their crew. They have
19 trained them and trained them well. And this crew comes
20 in and sorts every recyclable item that they have.

21 You know, I was deeply moved, because I have a
22 son who is mentally retarded. He has Down Syndrome. And
23 to see, you know, what Honda is doing, appreciating the
24 abilities of these people, to me, it's amazing. And they
25 never said to us -- they never flaunted. They never said,

1 "Look at how good we are. We bring these little people
2 over here and give them a job." But it was such a part of
3 their culture and appreciating the abilities of every
4 person that works for them. I just thought that was
5 really special. And in a way for me to see the two loves
6 of my life right now combined, it was really special.

7 And I'm grateful to Honda, and I applaud their
8 efforts for doing what they're doing. It's more than just
9 doing the right thing. It's believing in what is the
10 right thing. And they don't flaunt it. So that was
11 really nice. We had a great opportunity to be with Honda
12 and looked at their program.

13 I then attended another WRAP of the Year Award at
14 Frito-Lay in Modesto. They've also done a remarkable job.
15 Every year they improve upon what they're recycling.

16 Then I attended a hispanic family-owned business
17 conference that I went to speak at.

18 I visited the city of Brawley on February 26th,
19 and they showed me all of their facilities. And this
20 small city that is really -- has been able to diligently
21 work to meet the needs of that growing community. And
22 they have a new power plant -- sorry -- water plant, \$20
23 million investment for a small city is quite remarkable.
24 A wastewater treatment plant. I visited their landfill,
25 and they're also looking at how can they better serve

1 their population. Pretty forward-looking group of people.

2 Of course, I attended the Waste Tire Workshop,
3 and I visited the Commerce Refuse to Energy Facility in
4 the city of Commerce.

5 Then we gave awards -- and, well, I know all of
6 our offices were represented. But we did attend the
7 Zoning Awards where we highlighted the accomplishments of
8 so many businesses that we have actually given a loan to.
9 And what we saw, how remarkable, what a remarkable job
10 these companies have done with the little bit of a loan
11 that we gave them. These companies have just flourished
12 to levels that I think were unimaginable to them. So I
13 think the Zone really works.

14 The RMDZ Program is really one that we truly
15 appreciate. And I've been talking about how the RMDZ
16 Program is really representative of what the Governor
17 talks about in that how industry and the environment in --
18 he always says they can coexist. I think they can thrive
19 on each other. And I think that there is no better
20 example of that than the RMDZ Program.

21 I also visited the city of Davis, actually,
22 University of Davis. They are having an anaerobic
23 digestion system. If I'm not saying it right -- where's
24 Fernando? He's going to correct me. But they have come
25 up with a program that is truly amazing. It's not up and

1 running yet. But they wanted to show me what the steps
2 are and where they are in that process. And it's just
3 remarkable. They had one of their scientists come up with
4 a two-step process versus a one-step process. I cannot
5 explain the two-step processes, but they explained very
6 well to me. And it's a one of a kind. I was very
7 impressed with that.

8 And last, but not least, last week, I visited
9 with the Consolidated Disposal Facility, the Bel-Art
10 Facility in Long Beach.

11 So I was pretty busy this month. I enjoyed every
12 single one of the projects and program that this Board
13 supports. And I think instead of being -- I've said it
14 many times. Instead of being the Chairwoman, I want to be
15 the cheerleader, because this is a great, great program
16 that the state government has. So I will continue to be
17 the -- you know how we have a Commander in Chief? I'm
18 going to be the Cheerleader in Chief. The Waste Board is
19 thus and is a remarkable program for the state of
20 California, and I'm only too humbled to be part of it.

21 So with that I'm -- I will tell you two things.
22 And, you know, I meant to say this while Mike was here.
23 But one of the things that he kept pushing for was
24 paperless and paperless. I should have shown him that I
25 don't have a binder. We have actually cut down on the

1 agenda packets that we had dramatically, tremendously.

2 Every single Board member now has a computer. So we're

3 cutting down on the trees. Every single department now

4 only has what they absolutely need and then some.

5 And all of our stakeholders -- can you believe

6 this? I cannot believe it. We used to mail the packets

7 to our stakeholders. Sometimes it could cost us up to \$18

8 to mail a packet. And we did that. What a waste, isn't

9 it?

10 But not anymore. Now we're mailing them a disk.

11 And the next step, if they have a disk, that means they

12 have a computer. If they have a computer, they most

13 likely have access to the Internet. So now we're going to

14 ask them if we do not have to send them the disk. Right?

15 We can even save on that. So that's the next.

16 But we're doing it. My staff is going, we're

17 going to do it slowly, and slowly, and we have. And I

18 don't have an agenda. Everything is here. And I have

19 little notes or some things people are sending to me. But

20 I'm very proud of that.

21 And last, but not least, I do want to thank Jon,

22 because without Jon, we would not have had the remarkable

23 presentation to Mike. And, Jon, your entire staff needs

24 to be commended. I know you didn't go to sleep until 3:00

25 last night. But --

1 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

2 I would love to take credit for it all, but it was a team
3 effort. So the whole Public Affairs staff is responsible
4 for that.

5 CHAIRPERSON MARIN: I know. I think we all agree
6 it was very, very well done.

7 Mr. Leary, congratulations to your entire staff
8 for that. I think they did a great job.

9 And with that, you're next.

10 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
11 Cheerleader in Chief, for those very positive comments.
12 Executive staff will be putting a pool of money together
13 to get you matching pom-poms for all your outfits. That
14 could be a considerable expense. I realize that.

15 I've got a quick report, Madam Chair, in the
16 interest of time. I'd like to start with some emergency
17 waivers, as I often do. I begin by reporting to you about
18 the issuance of a number of emergency waivers by our Local
19 Enforcement Agencies. Four waivers have been issued since
20 the last Board meeting; three in Riverside County, and one
21 in San Diego County.

22 Our LEA for Riverside County has granted
23 emergency waiver requests from the operators of the El
24 Sobrante, Badlands, and Lamb Canyon Landfills. All three
25 waivers were granted for the purpose of assisting with the

1 proper disposal of large numbers of dairy cattle that
2 perished during the recent historic rainfall events in
3 Southern California. The El Sobrante waiver extends until
4 April 1st; the other two only until March 18th.

5 The San Diego LEA approved the waiver for the Las
6 Pulgas Landfill in response to a catastrophic road failure
7 that occurred near the landfill entrance during the rain
8 storms, extending the hours of operations for a period of
9 five days to help manage the traffic flow into and out of
10 the landfill. This waiver ended March 2nd.

11 On the sunnier side of things, at La Montaa the
12 recent break in the weather has provided our contractor at
13 the Aggregate Recycling Systems site in Huntington Park to
14 make excellent progress. Overall, the site is about 90
15 percent clear, and the processed material pile has been
16 completely removed. We will be exploring the opportunity
17 for an event commemorating the completion of the project
18 perhaps as early as the last week of this month. I'll
19 keep you posted.

20 Today from 10:00 to 2:00 -- we're well into it at
21 this point -- at the West steps of the Capitol, the
22 Regional Council of Rural Counties Environmental Services
23 Joint Powers Authority is hosting a used oil recycling
24 booth at the California's Ag Day at the Capitol Event.
25 Spencer Fine from our Special Waste Division will also be

1 working at this booth to help identify agricultural oil
2 recycling opportunities and to provide information on the
3 Board's Farm and Ranch Cleanup Grant Program.

4 This Ag Day is sponsored by the California Women
5 for Agriculture and is hosted by the State Department of
6 Food and Agriculture. It's a great opportunity to share
7 oil recycling information with those who need it. When
8 you're out stretching your legs at lunchtime, which I
9 understand, Madam Cheerleader, will be very brief, you
10 might want to stop by. Again, that's on the West Capitol
11 steps.

12 And then, finally, I'd like to close this morning
13 on an update on our public outreach efforts to support the
14 new electronics recycling program. It's probably a shame
15 Mike's not still here. You will recall we entered into a
16 contract with Earth Communications Office, otherwise known
17 as ECO, to assist with this program.

18 Last month, a series of public service
19 announcements produced by ECO were distributed statewide
20 to approximately 100 television stations and 200 radio
21 stations. The PSAs featured the voice of Jeff GoldBlum on
22 the English versions and Esai Morales on the Spanish
23 language spots.

24 I believe some of you may have seen earlier
25 versions of these ads. I'd like to show you some of the

1 final editor's cuts. The first spot you'll see is the
2 English version of "Computer."

3 (Thereupon a presentation was made.)

4 EXECUTIVE DIRECTOR LEARY: Next up is "Plasma,"
5 the television recycling spot in English.

6 (Thereupon a presentation was made.)

7 EXECUTIVE DIRECTOR LEARY: And, lastly, we'll
8 preview the Spanish version of "Computer."

9 (Thereupon a presentation was made.)

10 EXECUTIVE DIRECTOR LEARY: There is also a
11 Spanish version of "Plasma," but in the interest of time,
12 we'll forgo that one for now.

13 As I said, these spots and a series of radio PSAs
14 featuring our celebrity voices were distributed last
15 month. ECO is hearing from the stations that they like
16 the spots, however, heavy political and holiday season
17 advertising combined with a relative glut of PSAs
18 disseminated in late 2004 is resulting in some delay in
19 getting the Board spots aired. ECO has started to push to
20 have the PSAs played in April in conjunction with Earth
21 Day and is receiving some positive feedback to that
22 approach. We'll have more for you in the next month or so
23 on how this is going.

24 With that, Madam Chair, I will conclude my
25 report. Thank you.

1 CHAIRPERSON MARIN: Thank you, Mr. Leary.

2 Okay. That takes us to the public comment. And
3 I believe there's only one person that wants to speak on
4 Item Number 5. And that's only because it was a Committee
5 only item. So we're not going to really deal with that.
6 But I would like to welcome Richard Ludt to the
7 microphone.

8 MR. LUDT: Madam Chair, members of the Board,
9 thank you very much.

10 It's kind of interesting. It's my first time at
11 the meeting. You are guys are doing some good stuff.

12 Just a brief history before I go into it. I work
13 for a company called Interior Removal Specialists. We're
14 a demolition contractor in Los Angeles. We've been in
15 business about 10 years now, and we've always been
16 committed to recycling the stuff that we remove from the
17 buildings.

18 Recently, it's been brought to our attention --
19 recently being the last year-and-a-half or so -- we need
20 to start seeking a solid waste permit to sort and divert
21 the debris that we create from our jobs. We had been
22 under the impression that as a demolition contractor and a
23 contractor's yard, that wasn't going to be necessary.
24 Well, it turns out that it is.

25 We've always sorted the debris to reclaim what we

1 could. We started out easy. We did the steel, the
2 copper, the aluminum, the cash products. With the advent
3 of AB 939, the writing was on the wall that more was going
4 to be required if we were going to satisfy the
5 requirements of this state and the buildings that we work
6 in.

7 In February of 2003, we moved into a new facility
8 in South Gate. It was roughly three times the size of our
9 old facility. It was a M-3 property. It afforded us a
10 lot more opportunity to do what it was we were doing, only
11 do it better. It gave us the ability to start separating
12 out drywall. We're one of only a handful of people in the
13 state that are sending drywall out to be recycled. To
14 date, we are shipping more than 600 tons a month of
15 drywall that we generate from our demolition jobs to be
16 recycled.

17 Outside of a handful of suppliers of acoustic
18 ceiling tile, we're the only people in the state recycling
19 that. We have, to date, in the last year-and-a-half
20 shipped 200 tons of ceiling tile to be recycled right back
21 into brand-new tile.

22 We also make it a big priority of ours to save
23 whatever is still useful in the buildings. We specialize
24 in tenant improvements, demolition, high-rise stuff,
25 office space.

1 We found CalMAX. Somebody introduced us to that.
2 We became a big proponent of CalMAX. We became one of
3 their biggest users. In the two-and-a-half years we've
4 been using CalMAX, we've made over 3500 connections and
5 donated more than 800 tons of cabinets and sinks and
6 toilets and carpet and desks and file cabinets and
7 everything else that was left behind on the job to every
8 non-profit you can think of, from a Hindu Mission in
9 California, to the Church of Scientology, from animal
10 rescue, to homeless shelters.

11 We like to do what needs to be done. When the
12 public hears the word recycling, they think you're getting
13 rich, you and the Board no differently. The drywall would
14 be a whole lot easier and probably a little bit cheaper to
15 take it and throw it away. We only have to handle it one
16 time. As it is, we need to take it out of the building.
17 Take it back to our yard. Separate it out. Put it in a
18 pile. Wait for the truck to show up, and then load the
19 truck. We had to go out and buy a large Caterpillar
20 loader to load those trucks. We took these expenses on
21 because it was the right thing to do.

22 Like I said, we're seeking a full solid waste
23 permit, and we thought we had time because we were a
24 contractors' yard. We started making the improvements to
25 our property that we needed to make because we knew we had

1 CEQA ahead of us. We knew we had a bunch of hurdles ahead
2 of us and we wanted to be ready so when we submitted our
3 application for our permit, everything would go smoothly.

4 We recently contracted SCS Engineering to help us
5 spearhead this, because three-and-a-half years ago I made
6 movies for a living until an unfortunate bout of gravity
7 took me out of that business and put me in demolition.
8 And I became put in charge of permitting this facility.
9 I'm really comfortable with my job.

10 You know, SCS told us we need to get a permit
11 now. We need to stay legal, because we do do what's
12 right, and we want to continue doing that.

13 I think the regulations, the barriers that are
14 being put up towards C&D recycling, it's more than just
15 the lack of marketplace for those items, which is, I'm
16 fairly sure, one of the large points that you spoke about
17 in Committee. The information needed, especially for a
18 neophyte such as myself, to put together to get this sort
19 of thing going is very difficult to find. You know, we're
20 fortunate in that we can afford to bring in SCS and have
21 them guide us through this process.

22 But for about a year and a half I tried doing it
23 myself, and you have some phenomenal people working for
24 you. Allison Spreadborough is amazing. Georgianne
25 Turner, when she was still in Permitting, was amazingly

1 helpful. Every time I called the Board, I get the help
2 that I need. But I think that the regulations need a
3 little bit more work. I think they need to be
4 streamlined. I think they need to be simplified, because
5 there are a lot of people out there that are like us.
6 They want to do the right thing. But they don't have the
7 \$100,000 to shell out for the engineers. And they don't
8 have the big money that it takes to get the full solid
9 waste permit.

10 So I appreciate your time. And I know we're
11 going overboard. But I wanted to introduce myself to you
12 and let you know that because of what you do, companies
13 like mine can keep going. Thank you.

14 CHAIRPERSON MARIN: Thank you, Mr. Ludt. We
15 really appreciate it. And I told my staff I'm going to be
16 visiting your facility pretty soon. Thank you for coming.

17 Anybody else that wishes to address the Board on
18 items not on the agenda?

19 Okay. With that, I need to make a statement
20 before we go to the consent calendar. As you know, the
21 Board currently has two vacancies. Pursuant to Public
22 Resources Code Section 40410, four members constitutes a
23 quorum of the Board. However, you should be aware that
24 the statute also provides that the affirmative vote of at
25 least four members shall be required for the transaction

1 of any business of the Board, as opposed to a simple
2 majority of those present.

3 Thus, for today's meeting, all items that require
4 a Board vote shall require a unanimous vote to pass.
5 There is a slightly different rule for Board concurrence
6 in solid waste facility permits, which we'll mention when
7 we get to that part of the agenda.

8 So with that, we will go to the consent agenda.
9 Before I tell you what all of the items are on consent, I
10 know that Ms. Cheryl Peace wants to speak about two of
11 them, and then we will just go through all of the items.
12 She's not pulling them, but I believe she has a couple of
13 things to say about that.

14 Ms. Peace.

15 BOARD MEMBER PEACE: Thank you, Madam Chair.

16 I did not want to pull Item 11 and 29, but there
17 were some comments that I did want to make.

18 Item 11, the second SB1066 Time Extension for the
19 City of Santee. I know there is a lot of construction
20 going on in Santee, and I wanted to make sure that they
21 were committed to using the recycled road base. I did get
22 an e-mail yesterday from them affirming that they are, in
23 fact, doing that.

24 Also, I wanted to know when the City Council
25 would be adopting their C&D ordinance, because I guess the

1 County kind of adopted one at the end of December, but
2 they still had not adopted one for their city. I was
3 assured that they are working on it in conjunction with
4 the City of San Diego and should hopefully have it adopted
5 in a couple of months. I was really pleased to hear that.
6 It sounds like the City of Santee is doing a good job. In
7 fact, the new base year shows them above 50 percent
8 diversion.

9 When jurisdictions come before the Board, at
10 least especially for their second 1066 Time Extensions, I
11 will be looking at things like that, like C&D ordinances
12 and recycled road base and using recycled products, you
13 know, their procurement policies. I'm going to really be
14 looking at those things when I make my decision.

15 Item 29, California Waste Solutions, they were
16 changing their permit to a solid waste permit transfer
17 processing station, because what was coming in as
18 recyclables was very contaminated, sometimes up to as much
19 as 43 percent. I understand they are working on it, and
20 they've now got it down to about 20.

21 Their permit still only allows them to accept
22 source-separated materials, and I think the problem that
23 California Waste Solutions is having is not entirely their
24 problem. I understand that some Committee members share
25 my concern about the City's responsibility to improve

1 their public education to reduce the contamination of the
2 recyclables. I know that, as a MRF, this facility is
3 allowed more residual than it is allowed in a recycling
4 facility. But that's no excuse for not educating the
5 public on what belongs in their recycling bin as opposed
6 to their trash can.

7 So I guess I just want to make a statement. I
8 wanted to strongly encourage the City of San Jose, the
9 hauler, NorCal, and California Waste Solutions to all work
10 together to stop pointing fingers at each other and work
11 together to educate the public about what can and cannot
12 go into their recycle bin.

13 And that was the comments I want to make. Thank
14 you.

15 CHAIRPERSON MARIN: Thank you, Ms. Peace.

16 Both Ms. Mulé and myself completely and totally
17 agree with your statement. As a matter of fact, I met
18 with the representative from the company, and we are going
19 to try to somewhere, somehow bring those parties together.
20 Because it's all about education. And when we talk about
21 what the real problem here is and we talked about during
22 Committee, it's lack of education.

23 What happens with many people is they think that
24 just because we educated people once, that that's done.
25 And, unfortunately, in efforts like this one, we need to

1 educate and re-educate and co-educate. It can't be a
2 one-time deal. So we do agree, Madam Chair. And I'm sure
3 Mr. Washington agrees with that as well.

4 That leads us to the consent agenda. Let me just
5 read all of the items that will be on the consent agenda.
6 It's Item Number 6, 8 revised, 9 through 18. So that's 9,
7 10, 11, 12, 13, 14, 15, 16, 17, and 18, 20, 23, 24, 25,
8 26, 27, and 29 revised.

9 People in the audience, I'm sure most of them
10 know that we work through Committee, and it is at the
11 Committee level that we hash any and all questions and
12 concerns. By the time they get out of Committee, most of
13 the items are recommended for consent. People may not see
14 the work, but there's a lot of work that is done at the
15 Committee level, and even more so prior to these items
16 coming to the Board -- to the Committee, rather.

17 So with that, do I have a motion to approve the
18 consent agenda?

19 BOARD MEMBER WASHINGTON: Madam Chair, what
20 happened to Item 28?

21 CHAIRPERSON MARIN: That's been pulled. We're
22 going to hear that one on its own.

23 Is there a motion?

24 BOARD MEMBER WASHINGTON: I move the consent
25 calendar.

1 BOARD MEMBER MULÉ: Second.

2 CHAIRPERSON MARIN: Okay. Moved by Mr.

3 Washington, seconded by Ms. Mulé.

4 Call the roll, please.

5 EXECUTIVE ASSISTANT JIMENEZ: Washington?

6 BOARD MEMBER WASHINGTON: Aye.

7 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT JIMENEZ: Peace?

10 BOARD MEMBER PEACE: Aye.

11 EXECUTIVE ASSISTANT JIMENEZ: Marin?

12 CHAIRPERSON MARIN: Aye.

13 For those of you that keep records on our agenda,

14 Items Number 1, 7, and 33 have been pulled. We are not

15 going to be hearing any of those three items.

16 Item 21 has been deleted from the agenda.

17 Items 3, 5, 30, 31, and 32 were heard at the

18 Committee only level. And we give direction to those

19 items.

20 Items 2 and 19 are on fiscal consent, so we will

21 be hearing them for a vote.

22 Items 4, 22, and 28 will be heard at the full

23 Board.

24 So with that, where we're going to go is into

25 every single item that we need to hear. And we'll first

1 deal with the Special Waste Committee, the report from the
2 Chair of that Committee, Ms. Peace.

3 BOARD MEMBER PEACE: Okay. All the Board members
4 were present for the Committee meeting, which was very
5 fortunate, because we heard a very interesting
6 presentation by the Rubber Manufacturers Association. I
7 think we all came away with a better understanding of how
8 tires are constructed and the consideration that goes into
9 making them, like how the tire design, you know, effects
10 the performance, the longevity, the fuel efficiency, the
11 rolling resistance, whether they can use recycled rubber
12 or not, and the safety, and how all those things are all
13 tradeoffs.

14 And they wanted to make sure that we knew that
15 safety was always the paramount reason of how they design
16 a tire. Safety has to come first over everything else. I
17 think we all agree with that.

18 It was suggested if the tire manufacturers can't
19 use recycled rubber because of safety and performance
20 reasons, then maybe they can use some other recycled
21 things, like the fiber and the steel. There are other
22 things that they can do to affect source reduction, like
23 the smart tire technology and the public education on the
24 tire care and maintenance of the tires. So through our
25 Public Stewardship Contract, we will continue to work with

1 the RMA to reduce the number of scrap tires.

2 The Committee heard three other items. The RAC
3 Center, Item Number 1, was pulled.

4 The grant awards are a fiscal item, and there
5 will be some discussion on how to maybe make it more fair
6 in the next round to all applicants. And the staff wanted
7 to develop the marketing outreach concept a little bit
8 further in Item 4, so we'll hear those in a minute.

9 CHAIRPERSON MARIN: Thank you, Ms. Peace.

10 Mr. Lee, we're going to go with Item Number 2
11 first, and then Item Number 4.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair. My
13 name is Jim Lee with the Special Waste Division. Good
14 morning, Board members. Just checking to see if it's past
15 noon yet.

16 Item 2 is Consideration of the Grant Awards for
17 the Senate Bill 1346 Rubberized Asphalt Concrete Grant
18 Program for Fiscal Year 2004.

19 This item was heard by the Special Waste
20 Committee. Board members did recommend that staff review
21 criteria items for future year Kuehl or other RAC Grant
22 support, with an eye on further broadening local
23 jurisdiction participation in the grant program.

24 Staff proposes that the Board approve Resolution
25 2005-81 in the award of \$1,200,000 to 61 identified

1 applicants on List A. Furthermore, staff requests the
2 Board to approve \$55,653 to eight identified applicants as
3 noted in List B of what you will note is a revised
4 Resolution. The award to the List B applicants would be
5 contingent upon availability of 2005-06 funds or pursuant
6 to the Board's directive as part of the May reallocation
7 item.

8 That concludes staff's presentation.

9 CHAIRPERSON MARIN: Thank you, Mr. Lee.

10 This was the item that we had a couple of
11 questions. That has been resolved.

12 So is there a motion to that effect?

13 BOARD MEMBER PEACE: Well, I guess so you are
14 suggesting that we will be able to fund all these projects
15 in the May reallocation?

16 DEPUTY DIRECTOR LEE: Ms. Peace, the current
17 preliminary results on the item I'll be bringing forth for
18 the May reallocation indicates there should be adequate
19 funds to satisfy this need to fund the List B projects.

20 BOARD MEMBER PEACE: I think some of the
21 questions that came up were why a couple of the cities --
22 the City of Lynwood and City of Campbell didn't get
23 anything, or maybe the City of San Clemente was getting
24 like eight-and-a-half.

25 We did want to stress that -- I think in the

1 scoring criteria, we said we wanted to fund the projects
2 that use the most tires. But not only that, but use the
3 most tires in the most cost efficient way. In this
4 particular case, they're all equally cost efficient to the
5 tune of \$2.50 a ton because of the criteria spelled out in
6 SB 1346.

7 I'm glad to hear we should be able to fund all of
8 the items. We can look to maybe changing the scoring
9 criteria when this comes up for review next year. So
10 maybe we can make sure that all applying jurisdictions get
11 at least one grant, but we'll look at that again in the
12 scoring criteria.

13 DEPUTY DIRECTOR LEE: Yes, we will. Ms. Peace,
14 like I said, right now we followed the criteria the Board
15 had approved last year and also the stipulations in the
16 statute itself. We understand the Board's desires to, as
17 I say, broaden the participation, and we will certainly
18 look very strongly at that when we bring the next year's
19 criteria item to you.

20 BOARD MEMBER PEACE: Okay. Any other
21 questions -- I'm sorry.

22 CHAIRPERSON MARIN: Any other questions?

23 BOARD MEMBER PEACE: I was going to move the
24 identity.

25 CHAIRPERSON MARIN: Motion by Peace.

1 Is there a second?

2 BOARD MEMBER MULÉ: Second.

3 CHAIRPERSON MARIN: Second by Ms. Mulé.

4 Without objection, that will be the pleasure of
5 this Board.

6 Item Number 4.

7 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

8 Item Number 4 is Consideration of the Rubberized Asphalt,
9 Concrete, and Civil Engineering Product Marketing Concept
10 and Scope of Work, Waste Tire Recycling Management Fund,
11 Proposed for Multi-Year Funding.

12 Jon Myers and Chris Peck will make the staff
13 presentation.

14 CHAIRPERSON MARIN: Thank you, Mr. Myers.

15 OFFICE OF PUBLIC AFFAIRS ASSISTANT DIRECTOR PECK:
16 Thank you, Madam Chair.

17 Jon Myers, Public Affairs Office. Here to make
18 the presentation today is Chris Peck from Office of Public
19 Affairs.

20 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: Thank
21 you, Jon. Good morning, Madam Chair, Board members.

22 At the Special Waste Committee meeting last week,
23 we described to you changes that had been suggested in
24 this concept and Scope of Work by your Executive Marketing
25 Task Force. This group was created with the Board's

1 approval as a forum for the cross program review of all of
2 our marketing and outreach activities to ensure they are
3 in the line with the Board's diversion, Strategic Plan,
4 and priorities.

5 The Marketing Task Force recommended, as a
6 consequence of the Board's recent discussions about
7 priorities and subsequent activity by the Board's
8 management staff, to develop action plans that respond to
9 your priorities, that we augment the budget with funding
10 from the Integrated Waste Management Account, and expand
11 the scope of this contract to include other recycled
12 content products in the marketing effort. The revised
13 Scope of Work, Attachment 1 to Agenda Item 4, incorporates
14 this recommendation. And copies of the revised Scope of
15 Work are on the back table for anybody in the audience who
16 needs them.

17 This morning, I'd like to review with you the
18 Scope of Work, but need to say first we've had discussions
19 with the Board's Legal Office, which has advised us that
20 because this new Scope of Work is sufficiently different
21 from what we advertised as the content of this agenda item
22 via its title, we'd best not seek your approval today.

23 So we would like to proceed with this item as a
24 discussion item now, ask for your comments, and seek
25 authorization to begin the Request for Proposal process

1 before returning in April with a consideration item. If
2 at that time you provide staff with direction requiring
3 further change to the Scope of Work, then we can do that
4 via an addendum to the RFP. That is, we want to start --
5 because of the process, the timing it takes to get the RFP
6 on the street and get responses in, we're trying to
7 encumber funds from the current fiscal year, which we
8 would need to do by the June agenda. We were hopeful we
9 could get started before the April Board meeting.

10 So turning to the revised Scope of Work, this
11 contract is essential to achieving the Board's vision of a
12 zero waste California, building on the waste diversion
13 success of local jurisdictions under the Integrated Waste
14 Management Act of 1989. Through this contract, the Board
15 will hire a public affairs firm to support the staff's
16 work to promote products derived from materials diverted
17 from the California waste stream, including, but not
18 limited to, rubberized asphalt concrete, other
19 rubber-based civil engineering products, compost and mulch
20 products, and recycled aggregate by developing and
21 conducting a systematic marketing effort directed at state
22 and local decision makers with the influence to increase
23 the use of these products within their jurisdiction.

24 Our overall approach is very much as we
25 originally posed in the original Scope of Work in terms of

1 the proposed work and the flow of tasks, which I'll turn
2 to now. We have added an initial task to initiate the
3 project to make sure that we've considered previous
4 research that might help in devising a campaign that
5 really hits its mark. What motivates the decision makers?
6 What kind of information do they need to prompt them to
7 incorporate recycled content materials in their projects?
8 And how would that information be most useful to them?
9 Conducting focus groups will aid in this effort.

10 Our contractor will then develop marketing
11 materials. These can be brochures, fact sheets,
12 additional web content videos, or a number of other
13 collaborative materials to support the outreach effort.
14 These materials will identify the environmental, economic,
15 and social benefits of using specific recycled content
16 materials, including, but not limited to, RAC, other
17 rubber-based civil engineering products, compost and mulch
18 products, and recycled aggregate, and demonstrate their
19 successful use in California.

20 While making changes in local procurement
21 specifications and practices is an important long-term
22 goal of this effort, we also want to be able to measure
23 our success in the short-term. That's what we're
24 considering to be a two-year project term for this
25 contract. So we want the contractor to identify state and

1 local projects, for example, paving, road construction,
2 engineered fill, and park development improvement
3 activities pending both in fiscal year 04-05 and 06-07
4 where recycled content materials could be used. The
5 inventory will include the following information for each
6 project: Jurisdiction, location, budget, anticipated
7 start date, and estimated amount of specific recycled
8 content materials that could be incorporated in the
9 project.

10 In developing this inventory, we're requiring
11 that the contractor seek the assistance of entities such
12 as the League of California Cities, the California State
13 Association of Counties, the American Public Works
14 Association, the University of California, and California
15 State University System. People who, themselves, or whose
16 constituent groups could be using these materials.

17 Working with the Board and staff, the contractor
18 will then develop a prioritized listing of target
19 agencies, jurisdictions, and projects that will be the
20 focus of the marketing effort. The project inventory that
21 I just described will help us with information on where
22 potential projects are and how much recycled content
23 materials might be used and will apply other filters, if
24 you will, such as local diversion rates and the kinds of
25 programs already in place at the local level.

1 The next step will be to develop a marketing
2 plan, schedule, and budget for outreach activities to the
3 target agencies and local jurisdictions. The plan will
4 include activities such as recommended meetings with
5 elected officials and other decision makers, presentations
6 to City Council and County Board of Supervisors, and
7 participation in regional and statewide meetings and
8 expositions where local decision makers may be in
9 attendance.

10 The plan will consider and describe the role of
11 all potential participants in the marketing effort,
12 including Board members and staff, other Board-managed
13 resources, for example, the RAC Technical Expert
14 Contractor, and the Northern and Southern California RAC
15 Technology Centers, as well as local opinion leaders,
16 recycled content materials use. That is, people who are
17 on the cutting edge of using these materials at the local
18 level.

19 The contractor will serve as the project director
20 coordinating all participants' activities to ensure a
21 cohesive program that makes efficient use of resources in
22 the implementation of the marketing plan. We propose to
23 measure the success of the marketing effort by tracking
24 the use of specific recycled content materials in projects
25 within targeted jurisdictions and the development of state

1 and local agency recycled content materials use policies
2 and practices.

3 With respect to funding for this project, here's
4 what we're proposing. In the current budget, fiscal year
5 2004-2005, we have \$175,000 in the Tire Fund. And we're
6 proposing an additional \$200,000 in the Integrated Waste
7 Management Account, for a total of \$375,000 this year.

8 In each of the next two fiscal years, fiscal year
9 2005-2006, and 2006-2007, we're proposing an allocation of
10 \$600,000. The draft Five-Year Tire Plan earmarks \$400,000
11 for this effort from the Tire Fund. And we're looking at
12 \$200,000 again from the Integrated Waste Management
13 Account. That's a total of \$600,000 annually in the next
14 two fiscal years.

15 The important point here is that what we're
16 proposing is to split fund this contract. How much is
17 contributed from which account can actually be determined
18 later when those funds become available in the Board's
19 budget. This would bring the total allocation for this
20 contract to \$1.575 million over the three fiscal years.
21 Of course, funding from future budgets would have to be
22 allocated in the years it became available in the Board's
23 budget.

24 We can structure our Requests for Proposals in a
25 contract that identifies total project funding over

1 multiple years to be funded incrementally. But to do
2 this, we need to identify the total amount available at
3 the outset. In other words, when we issue the RFP, we
4 need to be able to say that the budget for this project is
5 for an amount not to exceed a set dollar amount. And
6 right now, we're thinking that amount is \$1.575 million as
7 I've just described.

8 I'd like to emphasize that we're responding to
9 direction from the Board to better market the wonderful
10 things we do and that we all know about here at the Board
11 and the staff. We want to find the right contractor to
12 help us put all this knowledge and expertise out to local
13 agencies in an effective campaign.

14 Once again, we're not asking the Board to approve
15 this item today. We'd like your comments on the Scope of
16 Work and ask for direction to proceed with the RFP process
17 subject to returning with a consideration item next month.

18 I'll stop here and answer any questions.

19 CHAIRPERSON MARIN: Okay. Questions?

20 Mr. Washington.

21 BOARD MEMBER WASHINGTON: In terms of the Scope
22 of Work, I guess the first one is 175,000 for 04-05,
23 175,000.

24 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: From
25 the Tire Fund, correct.

1 BOARD MEMBER WASHINGTON: When you send out the
2 RFP, that doesn't necessarily mean the firm would have to
3 use all 175. How would it work in terms of, do you say,
4 "I have a \$175,000 for you to do PR work for us," or how
5 would this contract work out?

6 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: We
7 would put, Mr. Washington, a Request for Proposals out on
8 the street for a project as described within the total
9 Scope of Work here for an amount not to exceed \$1.575
10 million for the entire two-year project, which is split
11 funded over three years. And then we would be looking for
12 qualified bidders, and the qualifications would be spelled
13 out in the RFP document itself. And then we would get
14 proposals and evaluate those and make a recommendation to
15 the Board for a contractor.

16 But the proposals would address the entire budget
17 amount, the up to, not to exceed amount. Otherwise, if we
18 entered into a contract for just the 175 or the 375 this
19 year, we couldn't add all that money in later on.

20 BOARD MEMBER WASHINGTON: That makes sense. I
21 guess all I'm trying to get to is, I wish there was a way
22 that we could take advantage -- I notice there's some
23 research stuff in here. And over in the Legislature what
24 we used to do to save money is go to our university system
25 to help with some of the research stuff. And I think you

1 will save a substantial amount of money from the 1.25 if
2 you use university students who are some of the most
3 brilliant in the country on different types of research at
4 different locations of our university system.

5 Madam Chair, I was just wondering if there was a
6 way that we could possibly use those efforts. And the
7 students would love to do it. They really get a joy out
8 of coming into the Legislature and doing research for you
9 and finding out the information you're trying to get to.
10 That's why I asked the question about the money. Thank
11 you.

12 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: Mr.
13 Washington, if I might address that real quickly. The
14 research we're considering here -- first of all, secondary
15 research is looking at opinion research that's already
16 been done. So what can we glean from work that other
17 people have already paid for to help us focus this? And
18 then the use of focus groups. That is, to take a
19 representative sample of the people we're trying to reach
20 through this campaign and sit down and have a real focused
21 discussion with them about what their needs are, what
22 motivates them to get our hands around this issue. We're
23 really not talking about --

24 BOARD MEMBER WASHINGTON: This contractor won't
25 do no phone calls to someone and say, "What do you think

1 about this?" And that will give you a score as to where
2 you think we are? It's actual sit-down workshops that
3 we'll be able, as Board members, to come in and see some
4 roundtable discussion take place, if we wanted to?

5 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: We
6 could invite Board members to sit in on focus groups, yes.

7 BOARD MEMBER WASHINGTON: I mean, because for me
8 it's critical -- and certainly, Chair Marin would tell
9 you, as politicians, we do hire people to go out and do
10 opposition research. We have people to do polling for us.
11 And what they do is sit at a phone and call someone and
12 say, "What do you think about this?" To me, anybody could
13 do that. You don't need to hire a firm who are going to
14 bring lawyers in to sit on the phone, pay them \$25 an hour
15 to do it, when you can have a student who's willing to do
16 the same thing for you.

17 I just want to make sure we're getting the bang
18 for our buck in terms of if you're going to have workshops
19 and sit-downs, that's a whole different ball game.

20 OFFICE OF PUBLIC AFFAIRS ASSISTANT DIRECTOR: Jon
21 Myers, Public Affairs.

22 Just to address that real quick. That was the
23 intention, to actually have sit-down focus groups. And as
24 you are aware, as you pointed out, as politicians, you
25 probably have been involved in that in your previous life.

1 And we can do exactly the same thing where we can have an
2 audience behind -- whether it be behind a glass room,
3 which we have done in the past, or in the room itself.
4 There's different ways of doing that. But we can have you
5 participate in the focus groups.

6 BOARD MEMBER WASHINGTON: Okay.

7 CHAIRPERSON MARIN: One of the things -- anybody
8 else would like to make any comments or give direction?
9 Go ahead.

10 BOARD MEMBER MULÉ: Thank you, Madam Chair.

11 I just want to commend staff and thank you all
12 from Mark and Julie on down for broadening the scope of
13 our marketing efforts. I think this is critical that we
14 start thinking about how we can all work together and not
15 just look at just the use of RAC or just the use of mulch.
16 But, again, especially with our target audience of elected
17 officials, then their staffs, Madam Chair and Mr.
18 Washington, as you know being former elected officials,
19 I'm sure you wouldn't want someone to come in and talk to
20 you about one particular item and then only to come back a
21 few months later to talk to you about something else.

22 So, again, I think staff has done a great job of
23 broadening these efforts and leveraging our dollars and
24 our resources to accomplish what we're trying to do. And,
25 again, it's real simple. Our goal is to maximize

1 diversion. So any opportunity that we can provide to our
2 staff and to the local jurisdictions to do that and
3 provide our technical expertise. And I want to thank
4 staff for thinking along these lines, and for Chris and
5 Jon putting together this plan. Thank you.

6 CHAIRPERSON MARIN: Thank you.

7 Ms. Peace.

8 BOARD MEMBER PEACE: I, too, am all for this
9 broader effort also to promote and market more recycled
10 products.

11 Since you're looking for direction to go out with
12 an RFP today, are you also looking for the approval of the
13 \$375,000 and the \$600,000 for the next two years today?

14 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: No.
15 No. We're not asking for an approval. We'll bring a
16 consideration item back in April.

17 BOARD MEMBER PEACE: Approving the RFP doesn't
18 mean approving the Scope of Work today?

19 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: Not
20 finally. We'd like to have some fairly clear direction.
21 I mean, my sense is we want to be, if anything, fine
22 tuning the Scope of Work at the April meeting so we're not
23 asking people to sort of, you know, really change --

24 BOARD MEMBER PEACE: We're just approving the RFP
25 today? That's all you're asking us for today, is to --

1 CHAIRPERSON MARIN: No.

2 BOARD MEMBER MULÉ: -- proceed with developing
3 the RFP?

4 MEDIA/OUTREACH SERVICES SUPERVISOR PECK: Based
5 upon the draft Scope of Work.

6 BOARD MEMBER PEACE: I guess the only other
7 comment I had was it seems like in the two years I've been
8 here, we always said we're so short of money. There isn't
9 any money in the IWMA to do this or to travel. And then
10 all of a sudden \$200,000 shows up in this. Even though
11 I'm all for it, I guess I'd like to suggest maybe as Board
12 members we could get some sort of a budget briefing to see
13 where this money is coming from and where it's going.

14 CHAIRPERSON MARIN: We can ask that. We will
15 have that. Maybe we can have a full agenda item as to
16 where we stand, where we are right now.

17 And you know what? We should take it one step
18 further. I think maybe every quarter we should have a
19 small presentation from our budget person, administrator,
20 if you will, administration, just to let us know where we
21 are, where we stand with all of the budgets so that all of
22 us have very clear understanding of where our moneys are
23 going.

24 EXECUTIVE DIRECTOR LEARY: Happy to provide it.

25 BOARD MEMBER PEACE: But coming up with \$200,000,

1 was it taken from somewhere else? I guess I would like to
2 see the whole picture.

3 CHAIRPERSON MARIN: We'll get the whole picture.

4 The only thing that I wanted to say regarding
5 this item and why I think it is so important that we bring
6 the effort together, precisely because oftentimes we
7 approve things on a piecemeal. And we're going to have a
8 marketing effort for this program and a marketing effort
9 for this program and another marketing effort for that
10 other program and so forth, and there we can actually have
11 a duplication. Instead of asking one question or three
12 questions to one person, we're asking three questions to
13 three different people, and hence, a more expensive
14 proposition. And why we don't have moneys to do certain
15 things that we want to do?

16 But I think this enables us to bring all those
17 pieces together, bring the bigger buck, if you will, and
18 get a lot more for our dollars. I just think that this is
19 going to enable us not only to move forward with our
20 agenda of letting everybody know what is it that we are
21 doing and the great work we've done, but actually focus
22 our efforts in those areas where we may be lagging. And
23 how do we move forward with one particular program or
24 another? And I think this is money well spent.

25 And what I like most about it is that we actually

1 have some measurements, requirements, you know. We are
2 going to be able to measure how this project is going to
3 be delivered. And at the end of the day, what does this
4 really mean, all this effort to our major goal of reducing
5 what goes to the landfill? So I really appreciate that.

6 I want to also know whether, when appropriate, we
7 might also have some focus groups in other languages. And
8 I don't know how expensive that will be. But just think
9 of there are some communities -- and I'm not just speaking
10 about Spanish-speaking communities. But there are other
11 communities that may pose a greater challenge for us and
12 some programs than others. That if we were to provide or
13 have some of these focus groups in other languages, it may
14 benefit the Board as a whole. So think about that. It
15 may be too expensive. I appreciate that. But unless we
16 ask, we won't get it.

17 Okay. With that, I think that's pretty good
18 direction and we're not taking a vote on this.

19 Anything further that you need from us?

20 OFFICE OF PUBLIC AFFAIRS ASSISTANT DIRECTOR

21 MYERS: No. Thank you, Madam Chair.

22 CHAIRPERSON MARIN: Okay. What I'm going to do
23 is I'm going to try to see if I can get everything done
24 except the item on conversion technology, if that's okay
25 with all of you.

1 The next item will be Sustainability and Market
2 Development. I was very pleased to Chair this Committee.
3 We had Committee-only two items that were heard there.

4 We have 13 items in consent, and that has already
5 been dealt with.

6 Item Number 7 was pulled, and Item 21 of the
7 agenda was deleted before it even came to Committee.

8 We will hear Item 19, which was actually a fiscal
9 consent item, if you will, and then Item 22 will be heard
10 after lunch.

11 With that, who's going to be presenting? Patty.
12 Item Number 19. Your report first.

13 DEPUTY DIRECTOR WOHL: Good afternoon, Madam
14 Chair.

15 Agenda Item 19 is Consideration of the Recycling
16 Market Development Revolving Loan Program Application for
17 Arboricultural Specialities, Inc. This item is to approve
18 a loan to Arboricultural Specialities, Inc., in the amount
19 of \$780,000. The loan will be used to finance the
20 purchase of real estate and equipment. This loan was
21 approved by the Loan Committee.

22 Staff recommends that the Board approve Option
23 Number 1 and adopt Resolution Number 2005-79 to approve an
24 RMDZ loan in the amount of \$780,000. Staff is available
25 to answer any questions.

1 CHAIRPERSON MARIN: Okay. Any questions on Item
2 19?

3 Is there a motion? We heard everything about
4 this item. Is there a motion to move it?

5 BOARD MEMBER MULÉ: I move approval.

6 BOARD MEMBER WASHINGTON: Second.

7 CHAIRPERSON MARIN: Moved by Mulé, seconded by
8 Mr. Washington.

9 Without objection, that will be the pleasure of
10 this Board.

11 And thank you, Patty.

12 That leads us to our Permitting and Enforcement,
13 Ms. Mulé. Let me just make a statement before your item,
14 Ms. Mulé.

15 As I mentioned before, four votes are required
16 for the Board to concur in any of the permits before us
17 today. However, unlike with other items, if the Board
18 fails to have four votes to concur or object to a permit,
19 Public Resources Code Section 44009 provides that the
20 Board will be deemed to have concurred 60 days after the
21 date that the proposed permit was submitted to the Board.

22 Ms. Mulé.

23 BOARD MEMBER MULÉ: Thank you, Madam Chair.

24 We heard a total of ten items in the P&E
25 Committee. Two items were for new solid waste facilities

1 permit. Four items were for revised solid waste
2 facilities permit.

3 There was an item on the solid waste disposal and
4 co-disposal site cleanup program grants. We were looking
5 at time extensions on those.

6 And there was a presentation on the closed,
7 illegal, and abandoned site program and the Bisso brothers
8 site case history. Very interesting presentation by
9 staff.

10 There was a discussion on the LEA evaluations.

11 And the final item was a discussion and request
12 for rulemaking direction to notice revisions to the
13 proposed regulations for the long-term gas violations.

14 And the one item that we're going to hear today
15 is -- I guess this item was pulled -- Agenda Item 28.

16 And, Howard, are you going to give us that
17 presentation?

18 DEPUTY DIRECTOR LEVENSON: Thank you. And good
19 afternoon, Board members.

20 This is Item 28, which is Consideration of a
21 Revised Full Solid Waste Facilities Permit for the Crazy
22 Horse Sanitary Landfill in Monterey County.

23 Board members, as you know, we received two
24 letters, one in early March, March 3rd, and one yesterday,
25 March 14th, from the firm of Jeffer, Mangles, Butler &

1 Marmaro Law Firm concerning this item. Mary
2 Madison-Johnson is going to make a very short presentation
3 regarding this item, since it's our understanding that
4 most of the questions about this item are more related to
5 contractual issues rather than the permit itself.

6 MS. MADISON-JOHNSON: Madam Chair and members,
7 the agenda item was updated, and copies were distributed
8 and are available on the back table.

9 The facility is an existing facility and is owned
10 and operated by Salinas Valley Solid Waste Authority. The
11 proposed permit is to allow for the following: To
12 increase the elevation; increase the maximum tonnage;
13 change the estimated closure year; change the remaining
14 disposal capacity; and allow for franchised haulers to
15 access the landfill on public holidays.

16 As indicated on page 28-3 of the agenda item,
17 Board staff have determined that all the requirements have
18 been met. As Mr. Levenson stated, staff has received
19 copies of letters dated March 3rd and March 14th from
20 Mr. Kenneth Ehrlich. The letters raised issues related to
21 compliance. Staff reviewed the letters and found no
22 issues that would change our recommendation.

23 In conclusion, staff recommend that the Board
24 adopt Solid Waste Facility Permit Decision 2005-61
25 concurring in the issuance of a Solid Waste Facility

1 Permit Number 27-AA-0007.

2 Mr. Roger Van Horn with the LEA and Steve Johnson
3 with the operator are present to assist me in any
4 questions you may have. That concludes staff's
5 presentation.

6 CHAIRPERSON MARIN: Thank you. I know that you
7 had some questions, Ms. Peace.

8 BOARD MEMBER PEACE: I just had a question of the
9 operator.

10 CHAIRPERSON MARIN: Can you identify yourself for
11 the record?

12 MR. JOHNSON: Madam Chair, I'm Steve Johnson,
13 General Manager, Salinas Valley Solid Waste Authority.

14 BOARD MEMBER PEACE: I guess the question I had
15 was in October -- the end of October 2003 that you
16 approved a ten-year agreement with the South Valley
17 Disposal and Recycling. Can you tell me at that time how
18 many tons a day you were taking in at the landfill when
19 you made that agreement?

20 MR. JOHNSON: Board Member Peace, I think
21 probably I should give you a little bit more definitive
22 description. The Authority owns and operates two
23 landfills, so we can send material to either one of those
24 landfills, Johnson Canyon Landfill or Crazy Horse. At the
25 time in 2003, in the wintertime, we accept about 500 tons

1 per day. In the summertime, we accept up to 900 tons per
2 day. There's that much fluctuation. We had fully
3 expected that the permit process would have been completed
4 more quickly on our part -- not on the Waste Board's part,
5 but our part to get that permit application in and
6 completed prior to summer of 2004.

7 BOARD MEMBER PEACE: So then during the winter
8 months when you're already taking 900 tons a day, you were
9 planning to send all the stuff from the South Valley
10 Disposal Recycling to your other site?

11 MR. JOHNSON: In the winter months, we take about
12 500 tons per day, not counting the South Valley tonnage.
13 So it does not have any impact on the existing permit
14 limit of 900 tons from November through March of any one
15 given year. There's that much fluctuation in our ag
16 production.

17 The one other thing I might add that might
18 clarify things with you a little bit is the Solid Waste
19 Authority's Board goal has for the last five years been to
20 fill and close Crazy Horse Landfill and get down to
21 operating one landfill. It saves us about a million
22 dollars a year. So that was the intention to bring this
23 material in and fill it up as quickly as possible.

24 BOARD MEMBER PEACE: I guess the first concern
25 that just popped into my head was, you know, you made an

1 agreement to make more waste, but you were already almost
2 to your limit. Then you see in 2004 that you're going
3 over your limit, why you didn't think of maybe getting
4 this revision sooner. You said you did try.

5 MR. JOHNSON: We moved as quickly as we could.
6 We had to do additional CEQA. There was some additional
7 engineering that had to be done as we got along the way.
8 There's always something that comes up, it seems like,
9 with a solid waste facilities permit. So it's taken us an
10 extra six months.

11 BOARD MEMBER PEACE: I guess my concern was, you
12 know, I hate to see profiting from violating a permit, but
13 I can see the LEA did do an excellent job of telling you
14 to reduce your out-of-county waste until there was a
15 correction here of the problem. So your LEA did do a good
16 job.

17 MR. JOHNSON: In addition, ma'am, I might point
18 out we made the provisions ourselves to redirect some of
19 this waste at an expense to us, not a profit, to stay
20 within compliance.

21 BOARD MEMBER PEACE: Okay. Thank you.

22 CHAIRPERSON MARIN: Maybe we want to hear from
23 the LEA. Do we have a representative from the LEA?

24 MR. VAN HORN: Yes, Madam Chair. Roger Van Horn
25 from the LEA.

1 CHAIRPERSON MARIN: Thank you, Mr. Van Horn, for
2 being here. Is there anything you would like to add to
3 ease some of our concerns?

4 MR. VAN HORN: No, other than when we have had a
5 problem at the landfill, they've done everything within
6 their realm to rectify the problem. There was a letter
7 sent after we had a meeting with them when they had the
8 first violation, we had a meeting with them and they wrote
9 a letter to Santa Clara County where they were getting the
10 extra waste explaining the situation. So they cut back on
11 the waste they were bringing in from out of county.

12 CHAIRPERSON MARIN: Okay. Any further questions?
13 I want you to know we raised those same
14 questions.

15 BOARD MEMBER MULÉ: With that, I'd like to move
16 approval of -- I'm still not used to the computer -- of
17 Resolution 2005-61.

18 CHAIRPERSON MARIN: Okay. Is there a second?

19 I'll second that.

20 Without objection, that will be the order of this
21 Board.

22 Okay. That pretty much leads us to lunch. And
23 then immediately after lunch, we will reconvene for the
24 conversion technologies presentation. How does everybody
25 feel of returning of 1:15 in an hour? Is that enough?

1 BOARD MEMBER PEACE: How about 1:30?

2 CHAIRPERSON MARIN: 1:30. Okay. We'll be back
3 at 1:30. Thank you very, very much.

4 (Thereupon a lunch recess was taken.)

5 CHAIRPERSON MARIN: We're going to start. Would
6 you please call the roll?

7 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

8 BOARD MEMBER MULÉ: Here.

9 EXECUTIVE ASSISTANT JIMENEZ: Peace?

10 BOARD MEMBER PEACE: Here.

11 EXECUTIVE ASSISTANT JIMENEZ: Washington?
12 Marin?

13 CHAIRPERSON MARIN: I'm here. And we'll
14 acknowledge when Mr. Washington comes in.

15 Okay. Any ex partes?

16 Ms. Peace.

17 BOARD MEMBER PEACE: Yes. I spoke with Victor
18 Duong and Larry Sweetzer regarding the California Waste
19 Solutions Facility. I spoke with Richard Dunn from IRS,
20 not the IRS. And I spoke with Steve Johnson from the
21 Crazy Horse Landfill.

22 CHAIRPERSON MARIN: Ms. Mulé.

23 BOARD MEMBER MULÉ: I just said hello to Marc
24 Aprea and Counselman Greg Smith from the City of
25 Los Angeles.

1 CHAIRPERSON MARIN: Great. And I don't believe I
2 talked to anybody. Well, I did talk to a lot of people,
3 but not that I have to ex parte.

4 We went to the California Women in Agriculture
5 Festival -- what was it -- Ag Day at the Capitol. And we
6 actually watched and visited one of our programs where
7 farmers are recycling their oil that they use in
8 agriculture. So that was really nice. I'm very happy. I
9 talked to a few people there, but I don't know who I
10 talked to, but not related to the Board issues.

11 So with that, let's see. Item 29 -- 22.

12 DEPUTY DIRECTOR WOHL: Let's go to 22.

13 CHAIRPERSON MARIN: Twenty-two sounds like a good
14 number to start. Patty.

15 DEPUTY DIRECTOR WOHL: Good afternoon, Madam
16 Chair, Board members. Patty Wohl with the Waste
17 Prevention and Market Development Division.

18 We're going to finish today with Agenda Item 22,
19 Discussion and Consideration of Conversion Technology
20 Report to the Legislature. And Fernando Berton will
21 present.

22 CHAIRPERSON MARIN: Okay. Fernando, before you
23 start, let me just make a couple of announcements. We
24 will try to get out of here by about 3:30, so that gives
25 us two hours. And then we go into closed session. If we

1 can finish earlier, that would be better, because we have
2 to have a closed session item. So if you can finish
3 before then, that would be great. Go ahead, Fernando.

4 (Thereupon an overhead presentation was
5 presented as follows.)

6 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
7 Thank you, and good afternoon. As Patty mentioned, I'm
8 here to talk to you about the revised draft of the
9 Conversion Technology Report to the Legislature, and I've
10 dubbed it Conversion Technology Part Deux.

11 So what I want to talk to you about is some of
12 the comments that we received from the stakeholders both
13 internal and external and how the report has been amended
14 to address those comments. I know there are a number of
15 speakers today, so I'll be brief so we can have ample time
16 for those commentators.

17 --o0o--

18 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
19 Briefly, as you may call, 2270 set forth the requirements
20 of the report to the Legislature and the contents of the
21 report should include: Definitions of conversion
22 technologies evaluated; the description of life cycle and
23 public health impacts; description of technical
24 performance; identifying the cleanest and least polluting
25 conversion technology; and a description of the market

1 impacts.

2 --o0o--

3 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

4 In order to accomplish this task, the Board let out two
5 contracts, one for life cycle and market impact, and
6 another for the technical evaluation.

7 Staff also held a workshop on October 1st, 2004,
8 to discuss the contents of the report to the Legislature,
9 which was brought to the Sustainability and Market
10 Development Committee and the full Board in January. And
11 at that January meeting, we discussed the establishment of
12 a comment deadline of February 15th for written comments
13 on that January draft, which brings us today to March
14 where we'll discuss the amended report based on those
15 comments.

16 --o0o--

17 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

18 As you can well imagine, we've received a myriad of
19 comments on opposite ends of the spectrum regarding the
20 report as well as some of the recommendations.

21 One thing to note is there will never be total
22 agreement on every nuance and aspect of these issues, and
23 some of these issues are best dealt with in the
24 Legislature. This report is designed not only to provide
25 some direction to the Legislature, but also to point out

1 where additional direction and clarification is needed.
2 For example, comments on diversion credit ranges from full
3 credit, some credit, to no credit. Definitions should be
4 more specific or more general. There's widespread
5 agreement we need to acquire additional data, so we're
6 taking steps to do that. We've also received comments we
7 should work closely with other CalEPA agencies and to let
8 those appropriate agencies deal with air and water quality
9 issues. Also we received comments that ran the spectrum
10 with regard to the need for a solid waste facility permit.

11 --o0o--

12 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

13 So we've revised our recommendations based on the
14 stakeholder input and also valuable input from Elliot
15 Block, Carroll Mortensen, Howard Levenson, Pat Schiavo,
16 and Lorraine Van Kekerix, as well I can't forget Judy and
17 Patty.

18 These recommendations effect other divisions at
19 the Board, so I can't emphasize enough how important it is
20 to have Diversion, Planning and Local Assistance;
21 Permitting and Enforcement; the Legislative folks, and
22 Legal involved in this issue.

23 What you may hear today, you may hear some
24 comments suggesting deletion of the gasification
25 definition in light of the recommendation to use a more

1 general definition for conversion. One thing I need to
2 point out is that the Energy Commission uses the term
3 "solid waste conversion," which is, with the exception of
4 a few words, a verbatim definition of gasification found
5 in our Public Resources Code. So any changes in the
6 Public Resources Code definition should be carried forward
7 to the definition used by the Energy Commission, because
8 that's the definition they use for their renewable
9 portfolio standard. So we can't ignore that fact.

10 Transformation is typically used to mean
11 incineration. However, there are other terms contained in
12 the current definition that are not incineration
13 activities. These include such things as distillation and
14 biological conversion, and this may cause some confusion.
15 That's why we're recommending some revisions.

16 Staff is recommending a more general definition
17 for conversion technologies that would include thermal,
18 chemical, and biological technologies. That's a departure
19 from the previous draft where we were looking at separate
20 definition for thermal and one for biochemical.

21 We believe a more general term is more
22 appropriate in a statutory setting, and we could deal with
23 more specific terminology in a regulatory setting. To
24 give you an example, I learned of two new thermal terms
25 last week. They're hydrous thermal upgrading and thermal

1 depolymerization. So how do you capture all that? It's a
2 mouthful just to say. So these are terms that could be
3 folded in under a more general term for conversion,
4 definition for conversion.

5 The issue of biomass conversion, anaerobic
6 digestion, recycling exemptions, pre-processing
7 requirements, and conformance findings are issues that
8 need clarification in statute as well. For example,
9 biomass conversion facilities are not within the Board's
10 jurisdiction, but many conversion technologies could take
11 biomass material. The current statutory definition for
12 biomass conversion does not include some of the typical
13 conversion technologies we've been researching. We
14 believe some clarity is needed.

15 Similarly, anaerobic digestion is not addressed
16 in the statute. We believe that anaerobic digestion is
17 very similar to in-vessel composting. And unless
18 otherwise stated, we should continue to consider anaerobic
19 digestion as a form of composting.

20 Legal counsel also pointed out some areas of
21 clarification needed with respect to the recycling
22 exemption, pre-processing, and conformance findings. One
23 thing to remember is that amendments and deletions of
24 statutory language cannot be done in isolation, because
25 there may be effects on other statutory provisions.

1 That's why Elliot has pointed out some of these areas.
2 Any questions on those specific areas of the recycling
3 exemptions, pre-processing, and conformance I would gladly
4 defer to Elliot.

5 And also I want to state to clarify some
6 confusion, I'd like to offer up one slight amendment under
7 the pre-processing recommendation. That is the inclusion
8 of some language that states that the Board recommends the
9 removal of all recycled materials from the solid waste
10 stream prior to any conversion process. This kind of goes
11 towards that MRF-first ethic that I'm sure you'll be
12 hearing about some today.

13 --o0o--

14 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
15 We continue to recommend the collection of additional
16 emissions data, but have amended the recommendation
17 slightly to include the establishment of a research
18 agenda. This research agenda could be done in cooperation
19 with other CalEPA agencies, particularly the Air Board.

20 And we can't forget the Office of Environmental
21 Health Hazard Assessment, because if we would want them to
22 do a true risk analysis, we would need to know what kind
23 of data they need in order to do that.

24 The previous draft of the report recommended
25 diversion credit for biochemical conversion technologies

1 only. We amended that recommendation to state that the
2 Legislature should consider some level of credit for
3 conversion technologies. And in considering diversion
4 credit, certain conditions could be placed upon the
5 conversion operators and the jurisdiction to further
6 ensure the diversion infrastructure is maintained.

7 Examples of the conditions that the Legislature
8 could consider include:

9 That the jurisdiction and regional agency
10 continue to implement their diversion and recycling
11 programs that are listed in their source reduction and
12 recycling element or that are modified in the report.

13 The facility compliments the existing recycling
14 and diversion infrastructure by conducting up-front
15 recycling or pre-processing, as the case may be and is
16 converting solid waste that was previously disposed.

17 The facility maintains or enhances environmental
18 benefits as evidenced by relevant testing of emissions and
19 residues.

20 And the facility does not harm the economic
21 sustainability of the integrated waste management system.

22 --o0o--

23 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
24 We've deleted the recommendation to conduct an assessment
25 on the impact of China's demand for recycled materials.

1 And instead, our recommendation is to conduct research on
2 materials flow in California to document California's
3 recycling infrastructure. Mapping the flow of materials
4 will aid in maintaining the integrity of the existing
5 recycling infrastructure while also helping to determine
6 the infrastructure needs for conversion technologies.

7 Because of all the cross-media issues with
8 conversion technologies, we believe that an Interagency
9 Task Force should be established for the purpose of
10 coordinating state agency activities related to research
11 and development of conversion technologies in an
12 environmentally beneficial manner.

13 As you can see from the slide, the Task Force
14 would have some goals, too. That would be to develop a
15 research agenda; encourage the diversion of agricultural,
16 municipal, and forestry biomass residuals; assess the
17 environmental benefits to conversion technologies;
18 increasing the market-based options for the use of biomass
19 and post-recycled solid waste; and provide technical
20 review of potential conversion projects.

21 CHAIRPERSON MARIN: Just one second, just for the
22 record, Mr. Washington just walked in. Thank you.

23 BOARD MEMBER WASHINGTON: Thank you.

24 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
25 The Task Force would consist of representatives from other

1 CalEPA agencies and departments, Energy Commission,
2 Department of Forestry and Fire Protection, the Department
3 of Food and Agriculture. We also believe it's important
4 to have a local government representative as well as a
5 representative from an environmental organization.

6 Recently, the Governor's Office asked
7 Commissioner Jim Boyd of the Energy Commission to
8 resurrect the Interagency Biomass Task Force. Perhaps the
9 Conversion Technology Task Force we're recommending could
10 be incorporated into that existing Biomass Task Force, or
11 we could work synergistically with them.

12 --o0o--

13 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
14 Now, we had intended to have a workshop on March 4th to
15 discuss the revised report, but we felt it was more
16 important to give stakeholders adequate time to review the
17 revised draft that's in front of you. The item today is
18 both a discussion and consideration item. And the
19 recommendation is to adopt Option 1 and Resolution Number
20 2005-78. With that, I'll end my remarks and answer any
21 questions that you may have. Thank you.

22 CHAIRPERSON MARIN: Thank you, Fernando. I
23 certainly agree on the pre-processing requirements. I
24 think that's something that makes sense to all of us. We
25 want to make sure that a lot of these take place before we

1 go through into the conversion technology.

2 Are there any questions from the members?

3 Okay. I know we have quite a few speakers. So
4 I'm going to ask every and all to limit your comments to
5 three minutes, if at all possible. We will be very, very
6 gracious in listening to everything that you have to say.
7 What I'm going to do is I have a couple of people that are
8 in opposition to the report, so I'm going to have them
9 come first, and then everybody else then has at least put
10 in a request.

11 I will ask Scott Smithline to come to the front,
12 please, from Californians Against Waste.

13 MR. SMITHLINE: Good afternoon, Madam Chair,
14 Board members. Scott Smithline with Californians Against
15 Waste.

16 In checking the box in opposition to this report,
17 I just want to really make it clear that Californians
18 Against Waste does not want to be obstructionists in this
19 process. I mean, that's really not our goal. However,
20 given the significance of the changes that were proposed
21 since I think March 4th that they became publicly
22 available, we think that this process could use more time.
23 We think we're close. Very much appreciate and support
24 the recommendation that was made by staff on
25 pre-processing. That reconfirms prior Board policy. We

1 think that's critical when considering any conversion
2 technology.

3 That being said, I'd like to take a minute to go
4 over a couple of the concerns we have with the report.

5 One brief concern has to do with the section on
6 the cleanest and least polluting technologies. I don't
7 know whether it was intentional or unintentional, but that
8 particular section -- it's actually in the conclusion
9 section is inconsistent in its uses of passive and active
10 verb forms. And it use certain modifiers in front of
11 certain phrases and not in front of others that gives the
12 impression to at least this reader that the high
13 temperature technologies might be better than the
14 biological lower temperature technologies. I know that's
15 not the conclusion of the report, but reading those
16 paragraphs, that's the distinct impression I came away
17 with. I don't know if that's a draftsmanship thing, but I
18 appreciate that to be looked at.

19 A much more important issue is the issue of
20 changing some of these definitions as was mentioned by
21 staff. You know, I'll give you an example of the
22 importance of these definitions. The definition of
23 transformation is like a keystone in the statutory
24 framework. And if we change it, it will have structural
25 effects on the rest of the statutory framework. All the

1 items that are included in the definition of
2 transformation currently count towards disposal.

3 By taking those items out of transformation, we
4 put them in a gray area, at best. But, clearly, I don't
5 think the intent of this Board or the Legislature at this
6 point is to pull all the things out of counting as
7 disposal at this point until such time you decide to give
8 them diversion credit. So by creating this definition of
9 conversion technologies and putting all these other items
10 into it, there is no corresponding statute to say how the
11 conversion technology is counted at this point.

12 So there's a hole in the statutory framework that
13 I think needs to be addressed. And I'm sure that your
14 Legal staff would have a response for you on that issue.
15 But it's our position that this is something that we
16 should not do on the fly here. This really merits, you
17 know, a little more time to make sure that we get it right
18 when you make this recommendation to the Legislature.

19 And, finally, you know, with the issue of
20 diversion credit, Californians Against Waste is opposed to
21 diversion credit at this time. We are not opposed to
22 these facilities, and I think we've made that abundantly
23 clear. We really think it makes more sense to permit
24 these facilities, build them, and monitor them. If
25 they're good for the environment, if they're good for the

1 economy, if they're good for recycling, make an assessment
2 and give them diversion credit. It's how it was done with
3 previous recycling facilities. Composting didn't get
4 diversion credit before it existed. These are large
5 facilities. They're multi, multi, multi-million dollar
6 facilities. And by giving diversion credit, we create a
7 mandate for these facilities. And we think it makes sense
8 to make sure they're up and running and feasible both
9 environmentally and economically before we create that
10 mandate.

11 BOARD MEMBER WASHINGTON: Madam Chair, just a
12 brief question to Scott. How much time would you guys
13 need? Can you work out your differences or try to work
14 with staff by the next Board meeting?

15 MR. SMITHLINE: Absolutely. I think we're very
16 close. Those were significant changes with respect to
17 pre-processing and these new definitions, and they go to
18 the core of the solid waste accounting in the state. So I
19 mean, I think we're close. I don't think -- as long as
20 there's not a bunch of new issues brought to the table
21 again, that would be no problem.

22 CHAIRPERSON MARIN: Thank you. And we'll deal
23 with that, Scott, at the very end, because there may be
24 other reasons why we need to make some clarifications or
25 rewrite or re-drafts from things. So your point is well

1 taken.

2 The next person would be Monica Wilson with the
3 Global Alliance for Incinerator Alternatives. Thank you,
4 Ms. Wilson.

5 MS. WILSON: Good afternoon. Thank you very
6 much.

7 I'm here to express clear concerns and
8 implications of disposing of municipal solid waste,
9 incinerator technologies like gasification, pyrolysis, and
10 plasma arc, and to urge you not to send the report to the
11 Legislature at this time.

12 Over the last year, I've shared feedback to the
13 Board about concerns about these technologies from
14 scientists, public health professionals, engineers who have
15 studied these facilities, and communities who have been
16 targeted for these facilities already in California.

17 I'm thoroughly disappointed by many points in
18 this report and its clear efforts to exonerate
19 gasification, pyrolysis, and plasma arc incineration of
20 municipal solid waste. For example, there's a list of
21 existing gasification and pyrolysis facilities around the
22 world. In this report to the Legislature, the largest
23 facility on that list has been closed for six months. The
24 second largest facility on that list is currently under
25 financial insolvency. And I think it's misleading to

1 represent these facilities to the Legislature as examples
2 of operating facilities when one is no longer operating
3 and the other one is under tremendous financial duress.

4 I think it's alarming that environmental justice
5 and public health concerns do not appear to be of great
6 interest to this agency. It's the Board's responsibility
7 to inform the Legislature about environment justice
8 impacts, and it's alarming this report does not talk about
9 the environmental justice impacts that exist in the
10 already existing proposals for these facilities around the
11 state.

12 It's really crucial that the Legislature
13 understand what's happening on the ground around the
14 state, not a lot of theory that is taken apart from the
15 reality of what's happening around the state right now.
16 It's stunning that this report appears to be swindled into
17 pursuing more and more expensive and unproven disposal
18 technologies of municipal solid waste, which would compete
19 with recycling and composting.

20 I urge you not to send this report to the
21 Legislature at this time. I urge you to recommend no
22 diversion credits for gasification, pyrolysis, and plasma
23 arc incinerators. I urge you to recommend to the
24 Legislature to split up these categories of conversion
25 technologies in order to clear up a lot of the confusion

1 and the differences between the two, because I think these
2 confusions are holding back some of the biochemical
3 treatments which might be of interest to the state and
4 might be a great advantage to the state for clean
5 separated feedstocks.

6 And I would further encourage you to recommend to
7 the Legislature that incinerator technologies like
8 gasification and pyrolysis and plasma arc treatment of
9 municipal solid waste are disposal technologies. Unlike
10 recycling, these are processing municipal solid waste and
11 disposing of it. Just like landfilling and existing
12 incinerators, using these facilities would mean that
13 materials would not be returned into the economy and
14 virgin materials would not be conserved. Just like
15 landfilling and existing incinerators, these technologies
16 do not make garbage disappear.

17 You might remember the basic law of conservation
18 of mass from high school chemistry that matter cannot be
19 destroyed. And a gasification company might claim that
20 the facility will reduce the volume of waste by 80
21 percent, but the reality is that the other 80 percent is
22 going somewhere and probably going into the air in those
23 facilities. This means these facilities are disposal to
24 air of solid waste. That would leave the facility in the
25 form of smoke and gasses polluting the community around it

1 and ultimately people around the globe.

2 These incinerators would emit a huge variety of
3 different chemicals of concern to people around the world.
4 These are just a list of some of the emissions from
5 municipal solid waste incinerators that researchers know
6 how to look for, even know how to search for. A lot of
7 compounds are created in these facilities we don't even
8 know what they are. We don't know how to test for them.
9 We don't know the impacts on the people. And I think that
10 the precautionary principle would teach us to be more
11 conservative before moving forward with more technologies
12 that would increase the emissions of these sorts of
13 chemicals to communities and to the globe at large.

14 So, again, I would urge you to clarify in this
15 report that the processing and disposal of municipal solid
16 waste in gasification, pyrolysis, and plasma arc be
17 considered disposal and not diversion. And to find out
18 what it's like to live next to an incinerator, I would
19 urge you to attend the meeting tonight at the Stanislaus
20 County Board of Supervisors, 6:00 p.m. in Modesto where
21 residents who live near the Crow Landing Covanta
22 incinerator will be attending and making public comments
23 about their experiences of living next to this facility
24 and the impacts it has had on their own recycling
25 programs.

1 Again, I'd like to urge you to do the right
2 thing. Please don't recommend to the Legislature that
3 gasification, pyrolysis, and plasma arc municipal solid
4 wastes are anything other than disposal technologies.

5 CHAIRPERSON MARIN: Thank you, Ms. Wilson.

6 Toni Stein sent in a request to address the
7 Board, but my understanding is that I'm supposed to read
8 this. I guess Toni Stein is not here.

9 So just for the record, I don't know whether it's
10 a he or she. Toni Stein, Zero Waste Task Force of San
11 Mateo, Santa Clara, and San Benito Counties.

12 "The report fails to report that hazardous
13 air pollutant life cycle findings specifically
14 for lead. Such revisions should not have been
15 eliminated. Instead, the study's findings on
16 lead and pneumonia should have been included in
17 this study to the Legislature since the research
18 showed no mistakes with that data. It is true
19 that significantly more data and study of
20 environmental impacts are needed.

21 "Additionally, air districts should be added
22 to the Interagency Task Force since the report
23 found that air permits issued by the agencies
24 would be led over the state ARB. The cities most
25 impacted by conversion technologies may be those

1 not yet complying with 50 percent diversion. The
2 report failed to present this market analysis.
3 Since most of California is above 35 percent,
4 there is no reason to grant diversion credits,
5 especially beyond 15 percent since it would
6 disrupt the markets in place."

7 Okay. Now we will go to the people that at least
8 have marked your support. Senator Roberti, please.

9 SENATOR ROBERTI: Thank you very much, Madam
10 Chair. I appreciate being able to be here with you this
11 afternoon. We support the report.

12 I represent the Bioenergy Producers Association,
13 an association of basically small producers who are in the
14 business of conversion technology who favor studies. The
15 only thing they don't want is to study to death. And
16 we're fearful that if we do not highlight what the past
17 studies already have indicated, that we will study to
18 death.

19 We all waited in great anticipation for the
20 University of California Davis study, which was terribly
21 positive. But unless those studies are highlighted, we
22 will study to death until there's another study and
23 another study until small entrepreneurs where much of the
24 technological genius emanates from can't stay in business
25 any longer.

1 The young speaker who proceeded me, I appreciate
2 her points. She touched on points that are dear to my
3 heart, like environmental justice. What about the
4 environmental justice of somebody who lives interminably
5 near a landfill? And where we are so riveted to
6 ideological positions that we refuse ever, ever, ever to
7 change?

8 I live near a landfill. I didn't even know it
9 until I got on the Board. It's called Toyon I in
10 Los Angeles. It's a closed landfill. Constantly has
11 violations. Now, you have to put the trash somewhere.

12 But the point of the matter is that water that's
13 polluted migrates. Methane goes up into the air. A
14 health hazard results. I'm not against landfills, as I
15 was saying to the Chair. She was saying to me. Everybody
16 wants to pick the garbage up. Nobody wants to put it
17 down. Something for all of us to remember. Everybody
18 wants to pick it up. Nobody wants to put it down. Nobody
19 wants to dispose of it in any way. I say let's dispose of
20 it in a way where university studies that we may have say
21 are safe and sound. And let's not expose people
22 unnecessarily to have to live near landfills because of
23 ideological rigidity simply because we're never ever going
24 to move and we're going to ask for another study.

25 We, therefore, think this report is good. But

1 what we don't like or we would ask for an augmentation is
2 for the Board to have the fortitude to highlight what it
3 has already found. So let's just go over a couple of
4 those points.

5 The Board has on the gasification and pyrolysis
6 technologies, we suggest that the statement be made that
7 these technologies will meet air emission standards. That
8 is already in the report. It's just not highlighted as a
9 finding. On page 49, the report states, "The same air
10 pollution control technologies used in large MSW
11 incinerators that resulted in the dramatic emission
12 reductions could also be used on thermal chemical
13 conversion." Why can't we just say that so when a
14 Legislator looks at the report, he's got the bullets to
15 follow? As former Assemblyman Washington full knows, as
16 I've learned, you don't read every report verbatim. You
17 read the bullets. So those bullets have to be pretty,
18 pretty specific. And this is just a bullet that's already
19 highlighted in the report.

20 Also, we would like any study to indicate that
21 local air districts in California are best equipped to
22 review the condition conversion technology facilities. I
23 believe that the Board on page 6 of its executive summary
24 indicates that as well.

25 The Board has an excellent gasification finding.

1 We just ask that the Board codify its own definition of
2 conversion technologies and remove the separated
3 definition of gasification from statute. We should
4 highlight something. And that is where statute is in
5 error, we should say so, because that's what a Legislator
6 deals with. And the report states the definition of
7 gasification and the Public Resources Code Section 40117
8 is scientifically inaccurate. We should state that,
9 because the Legislator who is going to make a decision in
10 this area, that's what he or she wants to know. The
11 definition should be removed from statute so as not to
12 potentially single out this process for separate
13 regulation.

14 Another point -- and I will try to keep this
15 fairly brief -- is that conversion technologies in most
16 cases will expand upon existing recycling programs. We
17 should say that. That's not only a finding of this
18 report, but it's a finding of the University of California
19 Davis study which this Board commissioned and which we all
20 waited for. How many times do we have to have a
21 university study or report before we highlight it? And
22 that's what's got to be highlighted. Otherwise, the
23 ideological rigidity of those who never want to move, even
24 in the light of evidence, will rule the day. You have to
25 state what is real and what has changed. Otherwise, a

1 Legislator who reads this will not change with it.

2 Conversion technologies are superior to landfill
3 and incineration. Mind you, I didn't say I'm against
4 landfills. Without landfills, we'd be living in our
5 garbage. But we do have preferable methodologies now. We
6 should say so. The findings of this report say so on page
7 10 and the University of California Davis report said so
8 as well. So we have two important reports. We shouldn't
9 hide it. We shouldn't camouflage it. We should say so.
10 And that's what a Legislator will look at when he or she
11 is making an important decision.

12 The time has come for us to be good
13 environmentalists, but to recognize the technology
14 changes, and that environmental justice of 20 years ago is
15 not the environmental justice today, because the
16 technology has changed. And forcing somebody to live near
17 a landfill because we refuse in our rigidity ever to make
18 a change isn't environmental justice. It's playing the
19 role of an ostrich and not being fair to the people who we
20 say we are trying to represent.

21 I urge specificity in the report. It will make a
22 great difference to the Legislature when it makes a
23 decision. And with that, I urge, however that you do
24 that, the tenor of the report is excellent.

25 CHAIRPERSON MARIN: Thank you, Senator. We

1 really appreciate your taking the time to come all the way
2 from beautiful L.A.

3 And somebody else that joins you from L.A. is
4 Counsel Member Greg Smith from the City of Los Angeles.

5 Counsel Member, thank you very much for being
6 with us today.

7 COUNSEL MEMBER SMITH: Thank you, members of the
8 Board and head cheerleader. It's good to be with you
9 today in this beautiful weather up here in Sacramento.

10 You know, a decade ago California set the bar
11 very high with AB 939. You set a new paradigm shift in
12 environmental concerns and cares. I think what you have
13 today before you is a report that takes it to next level,
14 a level we need to go to.

15 I'm urging you to approve the report today with
16 some additional recommendations that you strengthen some
17 of it and reflect the forward-thinking of this Board and
18 your goal for a zero waste policy.

19 I believe we should group our technologies under
20 the general term of conversion technologies. This allows
21 the movement towards sustainability progress without
22 disincentivizing innovation. The technology should be
23 allowed to evolve and maximize beneficial use without the
24 necessity of adhering to definitions that may be outdated
25 or unduly limiting.

1 Recommended that air emission standards be set by
2 local Air Boards.

3 Allow private sector to drive R&D necessary to
4 meet those standards or beat those standards. By
5 streamlining permitting process, we move more quickly
6 towards maximum resource recovery.

7 Recommend full diversion credit, but only for
8 those cities that are AB 939 compliant, provided they
9 maintain and enhance their existing recycling programs.

10 I believe that your report supports that
11 recycling may be increased by the pre-processing necessary
12 for these technologies.

13 Recommend the evaluation of these facilities on a
14 case by case basis so that not to unduly burden conversion
15 technologies with the label waste facility. Design that
16 may be applicable of pre-processing materials, which are
17 really then turning into waste because they're no longer
18 intended for disposal, but turn them into a feedstock that
19 supports manufacturing and are therefore a commodity.

20 I think you have the opportunity today to move
21 California in the right direction that preserves our
22 natural resources, that will allow us to return these
23 materials to a beneficial use, that will take us away from
24 our dependence on foreign oils and fossil fuels, that
25 reduces emissions and greenhouse gasses, that creates what

1 we call green collar jobs. And we've seen in Europe that
2 sometimes eight jobs are created to these technologies to
3 every one that is currently being created by landfilling
4 options that will help California move to the RPS goal of
5 20 percent green power by the year 2017.

6 I think you have before you today a report that
7 takes your vision of a zero waste policy, takes it to the
8 Legislature, allows it to become law, and lets your vision
9 become our, in local government, reality. And we'll all
10 benefit from it. Thank you very much.

11 CHAIRPERSON MARIN: Thank you, Counsel Member.

12 I really appreciate the fact -- and I've been
13 reading all of your letters coming to this Board. I know
14 that you took a trip to Germany and a couple of other
15 places in Europe where you actually witnessed firsthand
16 some of these technologies in use. And if you can just
17 share with us the air emissions data that these companies
18 had. I mean, is it horrible?

19 COUNSEL MEMBER SMITH: It's unbelievably good.

20 CHAIRPERSON MARIN: Is it better? Could you
21 please share your findings?

22 COUNSEL MEMBER SMITH: Without getting into
23 specificity as far as technology specific, we saw --

24 CHAIRPERSON MARIN: I don't think we're going on
25 any tour of Europe or Japan, this Board. So we would like

1 to be enlightened by you, who have already done that.

2 COUNSEL MEMBER SMITH: What we saw was -- and
3 some of our city staff is here if you want to ask
4 questions about specificity as to the types of things we
5 saw.

6 But, basically, most of the plants there, there
7 was virtually no emissions. They found ways to remove the
8 furans totally out of the process. Some of them by quick
9 freezing. They reduced the NOX emissions down to what one
10 German plant put in terms of equivalent to six Volkswagens
11 -- interesting choice of cars -- over the course of a year
12 with catalytic converters. That's a plant that did 1200
13 tons a day of trash. So the range was very broad.

14 But, generally, the European standards far exceed
15 California standards on air emissions, particularly the
16 German standards far exceed the European Union standards.
17 All of their plants are below what would be built here in
18 California today under our current standards.

19 So I think the technology has evolved so greatly
20 in the past two decades that what we have is clean plants,
21 cleaner than landfills, I might add. And there is a
22 Harvard study on this that actually says some of these
23 plants in Europe are cleaner than current landfills as far
24 as emissions that are coming out of the landfills. I
25 think we can learn a lot from the Europeans. They've

1 taken it to a technology far beyond ours. We can learn a
2 lot from them. We should really look at their options as
3 an option for California, because they beat everything
4 we're doing right now.

5 CHAIRPERSON MARIN: Thank you, Counsel Member.

6 COUNSEL MEMBER SMITH: Thank you. Any other
7 questions? Thank you very much.

8 CHAIRPERSON MARIN: Thank you for making the
9 trip. I really appreciate that. If I may call on Alex
10 Helou from the City of Los Angeles. I'm sure you're not
11 going to disagree with your boss.

12 MR. HELOU: It's a tough act to follow. I have a
13 Senator and a Counselman. Good afternoon, Madam Chair and
14 members of the Board. I'm going to repeat some the staff
15 has mentioned.

16 On behalf of the City of Los Angeles Sanitation,
17 I would like to thank the Board for its leadership role on
18 conversion technology and in developing a plan to address
19 the 39 million tons of refuse being placed in the
20 landfill. The City of Los Angeles has achieved 62 percent
21 diversion, and our goal is 70 percent in the next few
22 years. The City of Los Angeles has committed to stopping
23 the practice of landfilling, and instead, utilize the
24 refuse as a source to produce energy and beneficial
25 byproducts.

1 As was mentioned earlier, a team of city staff
2 visited several European countries and looked at
3 technologies from gasification and pyrolysis and thermal
4 recycling. The team observation is basically similar to
5 the statements made in the life cycle report, and that is
6 conversion technology are environmentally friendly and
7 superior to landfilling.

8 The emission from the european conversion
9 technology facilities are lower than emission limits set
10 by the European Union. Therefore, we would recommend that
11 the Board provide funding for the construction of
12 conversion technology facilities so actual data can be
13 obtained in California from municipal solid waste.

14 We would also like to point out that Japan is
15 proceeding with the installation of several conversion
16 technology facilities for the disposal of their refuse.

17 On the diversion credit, we believe that cities
18 that have recycling programs and achieve 50 percent should
19 be able to receive full diversion credit for materials
20 processed through the conversion technology. We concur
21 with statements made in the report that conversion
22 technology will have no negative impact on existing
23 recycling and compost operations.

24 As on the gasification, we also support changing
25 the language to scientifically explain the process and

1 meet with the others.

2 Finally, I would like to thank the Board staff,
3 especially Mr. Fernando Berton for his help during the
4 preparation of this report. Thank you.

5 CHAIRPERSON MARIN: Thank you, Mr. Helou. I
6 really appreciate you coming all the way from L.A. as
7 well.

8 Okay. Greg --

9 MR. SHIPLEY: Shipley.

10 CHAIRPERSON MARIN: -- from Waste to Energy.

11 MR. SHIPLEY: People say I should have been a
12 doctor.

13 CHAIRPERSON MARIN: Should I call you Dr.
14 Shipley?

15 MR. SHIPLEY: No.

16 I'm one of a handful of entrepreneurs who are
17 trying to pioneer conversion technologies in California.
18 I've been into it for about three years, about the same
19 time as when the Board passed Resolution 2002-177 for
20 diversion credit. Here I sit or stand three years later
21 really no closer to building the plant. And I want to
22 give you a realistic view of what it takes for me to build
23 a plant to serve the community.

24 We have a project in L.A. that we've done all the
25 research on and got all the quotes and everything to

1 permit a plant there. There are 52 separate permits that
2 we would have to go through for one facility. This is for
3 a commercial validation plan, at a cost of about
4 three-quarters of a million dollars.

5 If we were given the go-ahead right now today, it
6 would take a minimum of two years to go through the
7 permitting process. It would take at least another year
8 to build the facility and then start fine tuning the
9 operation. So we're really looking at being able to
10 demonstrate a pilot plant or commercial validation plant,
11 if you will, where you can go and kick the tires and you
12 can see exactly what we're doing. That would be about
13 four years.

14 And so when I see a bullet point that says we
15 need to possibly study some proposed pilot plants or more
16 studies, I think it's time to just be aggressive about it
17 and say why don't we let some of these guys take the risk,
18 build the plant, and see what the technologies are.

19 The staff did a wonderful job on the report, but
20 I thought it was a little timid in its recommendations.
21 And I fully concur with Senator Roberti that the report to
22 the Legislature should be aggressive and actually point
23 out the very favorable position of the conversion
24 technologies, and then possibly we can start actually
25 building some of these places.

1 Our facility is an ethynyl facility. We also
2 have secondary conversion technologies that uses the
3 residuals from the ethynyl process. And we use the
4 pyrolysis process for that to make electricity to run our
5 own plant. It's a 24-hour a day continuous process
6 facility that is close loop. It is highly efficient. And
7 it makes money, even at 150 tons per day. And that's
8 really kind of at the bottom of where we want to be with
9 recycling, because we really must give the solid waste
10 processors, municipalities the tools to actually make
11 recycling profitable. And my guess would be that once
12 conversion technologies are folded into the toolbox of
13 strategies for dealing with solid waste, that we'll have a
14 tremendous rise in diversion.

15 CHAIRPERSON MARIN: Thank you.

16 The next person is James Stewart from BRI Energy,
17 Bioenergy Producers Association. Hello, Mr. Stewart.

18 MR. STEWART: Hello, Chair Marin and members of
19 the Board. I am here wearing two hats today and would ask
20 your indulgence because of that.

21 On behalf of the company that I represent, BRI
22 Energy, we have brought to the point of commercialization
23 a breakthrough technology for the low cost production of
24 ethynyl and electricity from any carbon-based waste or
25 hydrocarbon. This new technology creates zero air

1 emissions from its gasification. I say zero because the
2 synthesis gas is scrubbed, subjected to activated carbon
3 filtration, and then fed directly to a bacterial culture
4 that in less than one minute reconstructs the gasses into
5 ethynyl and water. Simple distillation results in fuel
6 grade ethynyl.

7 Further, waste heat from the cooling of the
8 synthesis gas is used to create high temperature steam to
9 drive electric turbines. The process can create
10 electricity without combustion. Zero air emissions from
11 gasification, green powered produced without combustion,
12 massive breakthroughs in environmental protection that
13 make the argument about air emissions being raised against
14 conversion technologies obsolete. Yet nowhere in the
15 Waste Board staff's report to the Legislature, in its
16 pending conversion technology regulations, or in current
17 statute is such a technology even contemplated.

18 If we were to build one of these plants in
19 California and help the state to reduce its dependence on
20 landfills, our company would have to go through the same
21 permitting process as if we intended to construct a major
22 solid waste disposal facility like a landfill. It will
23 take ten years to develop the petroleum resources of the
24 Arctic National Wildlife Refuge. In total, there is less
25 than a single year's supply of oil for America beneath the

1 entire Wildlife Refuge. And, yet, within ten years we can
2 realistically see the BRI technology providing 10 percent
3 of our nation's ongoing requirements for liquid energy
4 using as its feedstocks organic waste that otherwise would
5 be landfilled in our own local communities. Which would
6 you rather have?

7 Nothing is more discouraging to me about dealing
8 with Sacramento than to hear over and over that on one
9 side there are environmentalists and on the other side
10 there are special interests. Well, the special interests
11 I am here to represent today are the almost 36 million
12 people of California, people who are concerned about
13 national security, who are concerned about energy
14 independence, who are concerned about the possibility of
15 \$3 per gallon gasoline, who are concerned about the
16 state's reliance on fossil fuels, its high cost of
17 electric energy, and its need for 100 new natural
18 gas-fired power plants before the year 2030. These are
19 people who are concerned about the high cost of living and
20 doing business in California and who are worried about
21 greenhouse gasses emanating from its landfills and
22 refineries.

23 I'm also here to represent our municipalities who
24 are concerned about where to site new landfills and are
25 wondering what to do with sewage sludge, other than to

1 spread it on our growing fruits and vegetables. And I'm
2 here to represent California's farmers who are facing a
3 major economic crisis because the Legislature has mandated
4 they can no longer burn their agricultural residues in the
5 open field.

6 By the time American sees its first gallon of
7 gasoline from the Arctic National Wildlife Refuge, and
8 unless we develop significant sources for alternative
9 energy, it most certainly will, the state of California
10 will landfill 325 million tons of post-recycled organic
11 waste. The BRI technology can help convert these wastes
12 into beneficial products while meeting the most rigid
13 local standards for air emissions and water quality to be
14 found anywhere in the state. And through those
15 appropriate channels of regulation, fully protecting
16 public health and safety, we'd like the opportunity to
17 demonstrate that.

18 I urge the Waste Board to act boldly and wisely
19 and to accompany its report to the Legislature with a
20 resolution that furthers the cause of AB 1090, legislation
21 that provides a level playing field for technologies like
22 ours, while fully protecting the 50 percent recycling
23 mandate in California.

24 My friends, issues as great as national security
25 and energy independence are in your hands today. And on

1 behalf of the Bioenergy Producers Association, kind of hot
2 off the presses, we have some suggestions of what might
3 fit into a resolution by the Board in transmitting this
4 report to the Legislature. I'd just simply like to read
5 to you some quick bullet points.

6 Conversion technologies are distinct from and
7 superior to landfills and incineration and can result in
8 substantial environmental benefits for California,
9 including the production of renewable energy, reduce
10 dependency on fossil fuels, and reduction of greenhouse
11 gasses.

12 Conversion technologies can enhance landfill
13 diversion efforts and be complimentary to the existing
14 recycling infrastructure.

15 The proposed Board permitting structure for such
16 facilities will require that conversion technology
17 facilities compliment the local infrastructure and that
18 they maintain or enhance the environmental benefits and
19 economic sustainability of the integrated waste management
20 system.

21 Conversion technology such as gasification,
22 pyrolysis, as well as biochemical conversion systems can
23 be expected to meet federal, state, and local air
24 emissions requirements.

25 Local air districts in California are best

1 equipped to review and condition conversion technology
2 facilities.

3 Definitions of conversion technologies in current
4 statute are inaccurate and should be amended.

5 And, finally, the definition of conversion
6 technology approved by the Board Resolution 2002-177 be
7 promulgated into law and that more specific definitions of
8 various conversion technologies be developed during a
9 regulatory process. The existing definition of
10 gasification is scientifically inaccurate and should be
11 deleted.

12 The transformation definition be amended to mean
13 the combustion or incineration of solid waste.

14 Conversion technologies be recognized as landfill
15 diversion technologies and distinguished from disposal and
16 incineration.

17 The Legislature grant the Board authority to
18 allow diversion credit for conversion technology
19 facilities in accordance with Board Resolution 2002-177.

20 I sincerely appreciate your patience, and I hope
21 that you will take under consideration the recommendations
22 we have made, and we deeply appreciate your interest in
23 seeing the state of California progress and maintain
24 leadership in new technologies. Thank you.

25 CHAIRPERSON MARIN: Thank you, Mr. Stewart.

1 So nobody gets upset, he was representing about
2 three different people, and he took the speaking time for
3 three different organizations. So I appreciate that. And
4 I hope everybody else understands that as well. I want to
5 deal with your recommendations later on when we finish the
6 public speaking part.

7 Okay. The next one is Michael Theroux from
8 Theroux Environmental, please. Please don't tell me
9 you're representing 20 companies.

10 MR. THEROUX: No. Just Michael Theroux, Theroux
11 Environmental, Madam Chairperson.

12 CHAIRPERSON MARIN: I'm sorry. I'm hispanic. I
13 have to say the X.

14 MR. THEROUX: French names, you know.

15 Madam Cheerleader and Board, thank you very much.
16 I'm representing just myself today. I think we're at a
17 point from my perspective that we can now send a report to
18 the Legislature that we have in hand. And I applaud the
19 work that has been done on this. I see it as one of the
20 best interactive sessions we've had between the public and
21 the Board in all the time I've been working with waste in
22 California. And I appreciate that effort.

23 I think it's also time that we look forward. And
24 as we step into the arena of the Legislature changes that
25 are necessary here, prepare ourselves with where we need

1 to be during this transition period. And I think the
2 first part of that is to recognize how we plan these
3 things into our communities. The template of the
4 integrated waste management planning process is what we
5 use for that. In order for those that use the IWMB to
6 understand these technologies, we need to now aggressively
7 turn to all of those folks in the communities and say,
8 hey, this is what we're talking about. Here's the up.
9 Here's the down. Here's how we fit in it. And by using
10 the integrated waste management planning tool, we really
11 begin to understand how to fit these kinds of options into
12 our recycling programs, into our composting programs, how
13 do we expand upon the technologies and tools that we
14 already have.

15 I applaud the indication in the report of the
16 need for a Task Force. And I clearly see one of the
17 things that we have not been able to accomplish is the
18 interagency developmental work, in particular,
19 unfortunately, with those at the Air Board. And I believe
20 that it's time that we put our foot down on that issue and
21 find a way to work very closely and very quickly with the
22 Air Board and EPA on these issues of air emissions so
23 they're thoroughly engaged with the work we're doing. I
24 think the Task Force is the appropriate place. And I also
25 like the recommendation that we spin that off of the work

1 that Jim Boyd has been asked to do with the Governor with
2 the biomass program. It's very similar.

3 We have the opportunity to see technologies that
4 can be extremely clean. Those same technologies can be
5 run extremely dirty. It's the amount of attention that we
6 pay to these technologies and the manner of the money that
7 we put into them and the third-party validation and the
8 work we spend in trying to make certain that we have the
9 cleanest and the best. In order for us to do that, we
10 have to understand what those options are. We're down
11 that path. But what I'd like to see is a recognition. On
12 the very clean end if we know what we're doing instead and
13 we know what our capabilities are, we can use these
14 technologies as mitigation. On the very dirty, and they
15 are certainly, can be put into place for pollution. We
16 have the technologies available to us. Let's drive them
17 to that clean point.

18 As the last item, I think that I hear a lot of
19 discussion regarding analysis, analysis, analysis. I
20 think we've got a lot of analysis in place and we're ready
21 for demonstrations. That doesn't mean we can stop. We
22 must have third-party validation as these technology
23 demonstrations and commercialization steps are taking
24 place. We have a structure for that. We have our
25 institutions for that. We need EPA and the other federal

1 agencies involved.

2 And through the Task Force and the development of
3 the relationships we already have with our institutions, I
4 think it's now time to turn around and say all right.

5 Let's assume we have these starting to be built. What do
6 we need to look at next? Let's take the weight off of the
7 developers regarding the transparency of the emissions and
8 the impacts on the surrounding integrated waste management
9 plan and share that load on these first front-end loaded
10 high cost assessments and spread that out a little bit.
11 We'll all gain from the better assessment of a broader
12 base of intellectual and institutional assessment of these
13 technologies.

14 But that stuff costs horribly. So I would ask
15 the Board to pay attention, in particular, to funding
16 those issues that watch over the shoulder of the folks
17 that are putting the projects on the ground.

18 I'd like to thank you for your time, and I'm open
19 to any questions.

20 CHAIRPERSON MARIN: Thank you, Mr. Theroux,
21 without the "x".

22 Marc Aprea from Republic Services, Incorporated.

23 MR. APREA: Madam Chair, members of the Board,
24 I'm Marc Aprea representing Republic Services and here to
25 provide you with a status report on Assembly Bill 727 by

1 Assemblymember Bermudas. Some of you may be aware that
2 measure was introduced, and it is currently in a spot form
3 and should be recognized as such. But I wanted to let you
4 know what the purpose of the measure was and also within
5 the context of the report that you are preparing to submit
6 to the Legislature.

7 First of all, as you well know, AB 939, the
8 Integrated Waste Management Act, charges local agencies
9 with ensuring and the Waste Board with ensuring there are
10 15 years of disposal capacity for all communities in
11 California. And I think that it is clear that conversion
12 technology can play a very instrumental roll in ensuring
13 that disposal capacity remains for the long term. That is
14 taking both existing and future landfill assets and
15 elongating their life so they are there and available.

16 Monica Wilson was correct. There is a lot of
17 confusion out there as to what conversion technology is,
18 what it does, and how it operates. And that confusion out
19 there amongst the interested parties results in fear, fear
20 that something will harm the environment when, in fact, it
21 may not, when, in fact, it may cause a positive outcome in
22 terms of environmental quality.

23 But our concerns are at this time, and the reason
24 why we looked to introduce AB 727, was simply because that
25 confusion out there is a barrier to entry. With that

1 confusion comes political opposition. And although the
2 Waste Board can engage in a lot of activity to address
3 that issue, unless there is a separation of what's fact
4 versus what's fiction, that confusion will result in fear
5 which will ensure that none of these conversion technology
6 entrepreneurs is successful in siting a facility. If we
7 can't do that, we will never know in a real world
8 environment whether or not they're successful or not or
9 how do we make sure they are successful. And ultimately
10 that's our concern.

11 So the purpose of the measure is to assist the
12 Board and the other stakeholders in finding ways of
13 removing those barriers to entry, separating fact from
14 fiction, and ultimately promoting conversion technologies
15 on a pilot basis around the state so that we can, in fact,
16 find ways of developing this technology so that it does
17 meet with the standards.

18 Mr. Roberti was right. We would encourage you to
19 be more definitive in your report so that you not only
20 recognize the problems, but that you also highlight where
21 there are positives, where the results of conversion
22 technology may be beneficial to the environment.

23 And, finally, Mr. Shipley was right. Given the
24 current environment in which we operate both politically
25 and the permitting process, it will be a long time coming

1 before any of these facilities are up and operating. And
2 the more that we, if you would, create a barrier to entry,
3 the less likely we'll have the result. We're not arguing.
4 We're suggesting that we ought to diminish the
5 environmental protections that this Board has placed with
6 managing or other agencies, but that we recognize
7 conversion technology for what it is and remove those
8 barriers where we can. Thank you.

9 CHAIRPERSON MARIN: Thank you, Mr. Aprea.

10 The next one is Evan Edgar from CRRC. Should I
11 read your comments? MRF first for conversion technology.

12 MR. EDGAR: Thank you, Chairman and Board
13 members. My name is Evan Edgar from the California Refuse
14 Removal Council. I represent over 100 haulers, 50 MRF
15 operators, 12 compost facilities, and 10 landfills. But
16 I'll only take two minutes.

17 BOARD MEMBER WASHINGTON: You're a smart man.

18 MR. EDGAR: We are the implementers of AB 939.
19 We have infrastructure in AB 939, and we believe that that
20 infrastructure is under capacity. We believe that
21 infrastructure has been resulting in good recycling and
22 good composting, and we are ready to take it to the next
23 level. We believe that we have a MRF capacity that's
24 currently making over 10 million tons per year of organic
25 feedstock, chips, wood products ready to go.

1 There was a report by Matt Cotton that was
2 released that says there's 10 million tons of organic
3 feedstocks out there, and 47 percent is going to ADC and
4 only 1 percent going to Caltrans. We have a lot of
5 feedstocks in play right now.

6 There was a report out in California about the
7 ethynyl demand. We need one billion gallons of ethical
8 today in '05. If we converted 10 million tons of green
9 waste and wood waste, that is one billion gallons of
10 ethynyl. On the RPS, that's the renewable portfolio
11 standard, if we took ten million tons of wood waste, that
12 reaches the component of bioenergy to hit renewable
13 energy. So we have a lot of demand for the feedstock.

14 We're not really competing against ourselves.
15 We're competing against the compost and recycling
16 industry. Because we believe in a MRF-first policy. The
17 Michael pre-processing Paparian statements that he's been
18 fighting for for two years are good policies with regards
19 to going through a MRF and recycling center first.
20 Because what we can do and have been doing, we make the
21 feedstock. We make 10 million tons a year today that can
22 easily go into the new conversion technologies. We
23 believe in definitive technologies with definitive outputs
24 and products such as ethynyl and bioenergy.

25 So we believe that things like transformation and

1 incineration is waste to energy. I'm not talking about
2 waste to energy. That should be off the table. We're
3 talking about waste to energy independence, what we can do
4 here for jobs and environment parlaying off of our AB 939
5 infrastructure.

6 So I believe that the report is good with a lot
7 of concepts. We support it. The bill that Mr. Aprea is
8 talking about we are going to be supporting. The other
9 bill talks about incineration as conversion technology.
10 That's wrong. We would oppose that bill. We've gone on
11 record opposing that.

12 So moving forward, I think we have some good
13 technologies. We have good infrastructure. We have
14 emerging opportunities here to fulfill the mandates of
15 ethynyl and RPS, and we would approve this report with the
16 language stated therein. Thank you.

17 CHAIRPERSON MARIN: Thank you very much, Mr.
18 Edgar.

19 The next one is Paul Relis with RRA, LLC.

20 MR. RELIS: Paul Relis, RRA, Renewable Resources
21 Alliance. And I'm on the Board of Directors of the
22 Bioenergy Producers Association.

23 I'm not going to repeat the recommendations that
24 were clearly put forth by Senator Roberti, Mr. Stewart of
25 our association, and others.

1 I'd like to offer a little perspective. This
2 effort is five years in the making. This didn't happen
3 over night. It was great that we went to the University
4 of California Davis in Riverside to get a scientific read
5 on where we were. And we did the life cycle assessment.
6 All that data, all that information clearly supports the
7 kind of bullet recommendations that Senator Roberti went
8 over and Mr. Stewart.

9 So without repeating those, let me put this in
10 perspective. Of all the projects proposed in California,
11 right now I count about five. And some of them are pilot
12 projects. We're talking significantly less than a million
13 tons a year. In all probability, we're not likely to see
14 five or ten projects at most in the next five-year time
15 frame realized. So we have 40 million tons of landfilled
16 material annually. Even at that scale, we're talking
17 virtually a pilot level effort in California.

18 We're going to learn a lot over the next five
19 years. Some technologies will win. Others will be shaken
20 out. But what an opportunity. Potentially 6 percent of
21 California's energy supplies could come from the wasted
22 resource today post-MRFed. We could get easily another 10
23 to 15 percent of recycling -- not energy, additional
24 recycling on top of what we're doing if we go down the
25 combined recycling/conversion technology path that has

1 been put forth today.

2 As with Counselman Smith, as a private sector
3 person now, we do due diligence, too. I went to Germany
4 and talked, and I submitted a report to you on that trip.
5 Who I did speak to? Not just vendors, because vendors
6 have their own schick, so speak to speak. I spoke to the
7 Brandenburg State EPA and to even the green party in the
8 Bundestag.

9 And the response to the California situation, for
10 instance, with gasification, they were flabbergasted we
11 could have a special definition for a technology. They
12 just said, "Look, we have an air quality standard. The
13 technologies, whether they're gasification, anaerobic,
14 digestion, recycling, they meet one standard. We don't
15 have this special category." One of the members said,
16 "There is no such thing as zero emission." With all due
17 respect to Jim Stewart, maybe he's got it.

18 But we have the evidence. So now the thing is to
19 crystallize the recommendations so that the Legislature
20 can readily use the recommendations and feel secure, which
21 they should be, on the basis of the evidence that's been
22 accumulated. So I would urge that we move quickly to get
23 a bullet-type set of recommendations, hopefully today, and
24 move this report to the Legislature and get on with the
25 legislative process. Thank you.

1 CHAIRPERSON MARIN: Thank you very much,
2 Mr. Relis.

3 And last, but not least, unless anybody else
4 has -- Toni, do we have any more? Great.

5 The last one, but not the least one, Mr. Mohajer.
6 And please don't tell me you're speaking for 100
7 organizations.

8 MR. MOHAJER: Absolutely not, Madam Cheerleader.

9 Well, most of what I was going to mention has
10 really already been mentioned by the previous speakers,
11 with the exception of the first two.

12 I think at least I, personally, have been
13 involved with this issue when I was with the county and
14 now with the Task Force and for such a long time, and we
15 have done so much studying and studying and studying and
16 spending \$1 1/2 million. It's clear it's time to move
17 forward.

18 I have forwarded written comments this morning.
19 Unfortunately, I couldn't get it done earlier, so it's a
20 little bit after 1:00 this morning. But you could make
21 that one as a part of the record.

22 But, again, as previous speakers, they mentioned
23 the report recommendation has to be firm, and right now
24 not being that sort of a politician, sort of wishy-washy
25 as I read them. And also I have in my written statement,

1 I said that recommendations or the Resolution itself, the
2 revised draft Resolution should also include some of those
3 policy recommendations that the staff has provided in
4 their Section 5, page 4 of their staff report part of the
5 package agenda.

6 There are two other items that I'd like to
7 mention. Mr. Relis mentioned about these facilities that
8 are going to be developed. Really, we are talking about a
9 pilot. And as the report has indicated, we are disposing
10 40 million tons of waste in landfills for 2004, even
11 though we are at 47, 48 percent. And if everything turns
12 out to be rosy, real optimistic, as Mr. Shipley says, if
13 everything is really optimistic, the first facility that's
14 going to be operational, it's not going to happen sooner
15 than four years, assuming everything in this report goes
16 through, the legislation goes through and everything like
17 that. And even if Mr. Relis is right and we develop five,
18 six facilities with a million tons of capacity combined
19 per year, that is only two-and-a-half percent of what is
20 being disposed in our landfills today. So it is time to
21 move forward.

22 One other recommendation that I have suggested is
23 that staff has made a recommendation to have a Task Force.
24 I would recommend they include the Energy Commission, even
25 though they have mentioned the Resource Agency. But I

1 specifically would like to see the Energy Commission in
2 there. And I also would like to see some of the
3 conversion technology industry group to be also included.
4 And I just don't see any reason why that wasn't mentioned.

5 And believe it or not, that is the end of it. So
6 I want to thank Senator Roberti, Counsel Member Smith,
7 Paul Relis, and everybody else so they took all the words
8 out of me. But thanks again. Who said it was first?
9 Thank you.

10 CHAIRPERSON MARIN: Well, you didn't take all
11 your time. That was a first, Mr. Mohajer. Thank you so
12 very much.

13 Thank you, all, for your comments. I truly
14 appreciate all of the work that has gone into getting us
15 to this point. You know, I often believe, and I know some
16 other people that have been in public service realize,
17 that sometimes you're doing something really good when
18 everybody disagrees with what you're doing. I know some
19 people think that we've been very slow in getting to where
20 we are. Some people think that we've gone too fast where
21 we are. So I think we must be doing it right if we get
22 everybody to disagree with us.

23 But that comment aside, I truly appreciate the
24 enormous work that has taken place to be where we are
25 right now. And we have people that have been with us from

1 the first day and people that just joined us just recently
2 and are aware of what we're attempting to do and are
3 joining the effort as well.

4 We've had a few comments that I think merit the
5 inclusion in the report. And I don't know exactly how we
6 go about that, because when we approve this report, we're
7 basically approving it as is. Otherwise -- and I'm going
8 to need some guidance because --

9 DEPUTY DIRECTOR WOHL: Madam Chair, I'd be happy
10 to maybe walk through some of the comments that I think we
11 could make changes to and then see if you're in agreement
12 to that.

13 CHAIRPERSON MARIN: Without having gone through
14 another hearing on this before. I think if we can -- if
15 that's okay. It would be my intention to move forward
16 instead of having some revised thing and then again for
17 hearing and then again. So right, everybody?

18 DEPUTY DIRECTOR WOHL: Let me attempt at least
19 the ones I think we feel comfortable making changes to and
20 maybe are discussion on why we wouldn't.

21 Beginning, which I think Fernando mentioned from
22 the very beginning, was add something -- be more
23 definitive on the pre-processing. We're all in agreement
24 there. We want that. We'll add it, and we'll be firmer
25 with that.

1 In regards to Scott Smithline's comment about
2 syntax under the least polluting, our attempt was there to
3 eliminate any bias or preference. And so we'll work with
4 Scott and make sure we get that language back to what we
5 intended it to be. So if there's a syntax problem, we'll
6 correct that, fix that, and move on from there. But our
7 attempt is to have no bias in which -- we're not
8 recommending any particular technology.

9 In regards to the air emissions comments handled
10 by locals, that is covered in the report. It's on page 6.
11 That's just to confirm with everyone we have that.

12 In regards to Senator Roberti and maybe others on
13 this highlighting, I think our perspective was that, you
14 know, we put together an executive summary for just that
15 purpose. And all those points were highlighted in that
16 executive summary. So that was our attempt to sort of
17 pull them out of the regular report, hoping that that
18 would be kind of the Legislature's main part of the report
19 that they read. If you want to direct us to do anything
20 more there or highlight something more, we'd be happy to
21 do that.

22 BOARD MEMBER WASHINGTON: And you're certainly
23 going to have to do something, because Senator Roberti is
24 absolutely correct. As Legislators, we don't read the
25 executive summary. We go straight to the bullet points,

1 and that's the end of the story.

2 BOARD MEMBER MULÉ: I agree. I think it would be
3 very helpful if we could have a summary of the summary in
4 bullet points, if you will.

5 I mean, again, I understand exactly where the
6 Senator is coming from and Board Member Washington.
7 You've got to remember these folks have thousands of bills
8 and thousands of issues before them. So anything that we
9 can do to help put everything before them in a concise
10 manner I think would be helpful.

11 DEPUTY DIRECTOR WOHL: We'll take care of that
12 and add that.

13 Maybe to clarify this idea of studying it to
14 death. I think we did these two studies. We're prepared
15 to move forward with this report using the data we learned
16 in those two studies. We are sending -- doing some
17 further research in Europe on some air emissions data.
18 Our recommendation would be to send that as an amendment
19 later with this report. You know, if we come up with that
20 in August or September, we would amend that. And then any
21 future studies would be more just as supplemental
22 knowledge to this effort and sort of where we want to take
23 it next. And that would be out of the Task Force and
24 driven by that. So we're not holding up this report to do
25 any additional studying in our mind.

1 And then maybe lastly, just on Mike Mohajer's, on
2 page 21, the Energy Commission is included in the Task
3 Force. So we are prepared to include them.

4 Those are some of the things I think we would
5 readily move to and could fix, if the Board was in
6 agreement to those.

7 CHAIRPERSON MARIN: Yeah. I think you have
8 agreement with all of us on those issues.

9 I would like to move to the Resolution, however.
10 I think for the most part the Resolution, all of the
11 whereases -- I'm a fast reader. I think they're all the
12 same, except for the four items in the middle where the
13 major finding --

14 BOARD MEMBER PEACE: We are talking about the
15 revised?

16 CHAIRPERSON MARIN: The revised, revised.

17 DEPUTY DIRECTOR WOHL: I'm prepared to go through
18 those, if you want to.

19 CHAIRPERSON MARIN: Should we just walk through
20 it?

21 DEPUTY DIRECTOR WOHL: And I think they're not
22 all the same, but number one, which is the whereas for
23 2003-4 waste composition study --

24 CHAIRPERSON MARIN: All of the whereases are the
25 same.

1 DEPUTY DIRECTOR WOHL: I don't think they're the
2 same. Down to where it starts with conversion
3 technologies.

4 BOARD MEMBER PEACE: Start there.

5 DEPUTY DIRECTOR WOHL: I think our preference
6 would be to maybe attach the second part of that sentence
7 and say, "Conversion technologies can result in
8 substantial environmental benefits for California," and
9 leave out the "distinct from and superior to landfills and
10 incineration." That would be staff's recommendation on
11 that.

12 We're okay with the next one.

13 Again, on the third new version, which is kind of
14 that --

15 CHAIRPERSON MARIN: Wait. Can we just go one at
16 a time and then we decide whether we take it or leave it.

17 DEPUTY DIRECTOR WOHL: The very first one is
18 whether you accept our recommendation, which is to leave
19 off the very first part of that sentence.

20 CHAIRPERSON MARIN: Do I hear otherwise?

21 BOARD MEMBER WASHINGTON: From me, Madam Chair,
22 the distinct part is not a problem. But I would certainly
23 ask that we strike "and superior to landfills."

24 BOARD MEMBER PEACE: You're saying take out that
25 whole part? Take out, "distinct from and superior to

1 landfills and incineration."

2 BOARD MEMBER WASHINGTON: That's what staff said.

3 BOARD MEMBER PEACE: And jump to "Conversion
4 technologies can result in substantial" --

5 DEPUTY DIRECTOR WOHL: I think we'd agree with
6 Mr. Washington that it's the "superior" part we feel is a
7 little --

8 BOARD MEMBER WASHINGTON: Just strike it.

9 CHAIRPERSON MARIN: Delete --

10 BOARD MEMBER WASHINGTON: "And superior."

11 CHAIRPERSON MARIN: "And superior."

12 DEPUTY DIRECTOR WOHL: The next one we were okay
13 with, based on quickly reviewing this.

14 CHAIRPERSON MARIN: Does anybody have anything on
15 that? Let's just -- some people are reading it for the
16 first time. We'll just give them enough time. Okay.

17 Mr. Washington, you're okay? Okay.

18 STAFF COUNSEL BLOCK: Madam Chair, Elliot Block
19 from the Legal Office.

20 Just a question for clarification. The reference
21 in this paragraph to the proposed Board permitting
22 structure, is that talking about the proposed regulations
23 that we've got now or something in the report?

24 BOARD MEMBER WASHINGTON: Where are you at?

25 STAFF COUNSEL BLOCK: The second sentence of that

1 second paragraph.

2 CHAIRPERSON MARIN: Fernando, where is the
3 proposed instructions for those facilities, is that in the
4 report?

5 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
6 We have in the report -- there was a section about
7 permitting and the fact that at this point we would assess
8 them on a case by case basis and using the three-part
9 test. We had begun the regulatory process, and we were
10 going to need some -- but that's separate and apart from
11 this report to the Legislature.

12 STAFF COUNSEL BLOCK: I wasn't -- I'm sorry. I
13 wasn't -- I was just asking when it uses the phrase, "the
14 proposed Board permitting structure," is that referring to
15 the proposed regulations that we now have on the books or
16 something else?

17 CHAIRPERSON MARIN: We're reading it from here.

18 BOARD MEMBER MULÉ: The wording is confusing.
19 Are you suggesting we delete "the proposed permitting
20 structure"?

21 STAFF COUNSEL BLOCK: I was asking clarification.

22 BOARD MEMBER PEACE: Does that need to be
23 clarified somehow?

24 DEPUTY DIRECTOR WOHL: I guess we'd want to ask
25 the author of this.

1 CHAIRPERSON MARIN: Who will speak on behalf of
2 this proposed Board permitting structure?

3 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
4 The Resolution 2002-177 did require the Board to undertake
5 a rule making process, which we have begun. And, also, we
6 went out with the 45 day and had a public hearing December
7 6th, 2004. We're still in the process of moving through
8 that. So I believe that's the permitting structure that
9 is being alluded to, because it was in a previous
10 resolution.

11 CHAIRPERSON MARIN: So we can go ahead and keep
12 it the way it is right now?

13 DEPUTY DIRECTOR WOHL: Either that or we might
14 say it's premature.

15 CHAIRPERSON MARIN: So give me the language then
16 that we would need.

17 BOARD MEMBER WASHINGTON: Legal probably should
18 give us direction.

19 STAFF COUNSEL BLOCK: I really apologize. I'm
20 just a little confused. It's the either the regs that we
21 have that we're in the process of doing now, or it's
22 referring to something we will develop. I'm not
23 suggesting it should be one or the other.

24 BOARD MEMBER WASHINGTON: Is it existing regs or
25 process or is it a future process?

1 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:

2 We have no existing regulations --

3 BOARD MEMBER WASHINGTON: Okay.

4 CHAIRPERSON MARIN: Okay. So it's just a
5 proposed reg.

6 STAFF COUNSEL BLOCK: Okay. So this is talking
7 the regulations that are moving through the process now.
8 Okay.

9 CHAIRPERSON MARIN: Okay. We're fine with that.

10 BOARD MEMBER WASHINGTON: Maybe Legal shouldn't
11 say nothing, man.

12 CHAIRPERSON MARIN: I'm glad we're all speaking
13 the same language.

14 The next one, conversion technologies.

15 DEPUTY DIRECTOR WOHL: I think our recommendation
16 would be to leave off the first sentence, "can be expected
17 to meet." We're not exactly sure there, but the last
18 part, "local air districts in California are best equipped
19 to review and condition conversion technology facilities,"
20 that is okay.

21 So I guess the question is, do we want them to?
22 Yes. Are they designed to in all cases? You know, that's
23 the part that I think is a little more iffy for that.

24 Well, that sentence says, "conversion
25 technologies, such as gasification and pyrolysis, as well

1 as biochemical conversion systems can be expected to meet
2 federal, state, and local air emissions requirements."

3 CHAIRPERSON MARIN: What about instead of "can,"
4 "must be expected to meet."

5 DEPUTY DIRECTOR WOHL: That's fine.

6 CHAIRPERSON MARIN: Senator?

7 SENATOR ROBERTI: The point in question isn't the
8 report on page 9, paragraph 2. It's part of the report.
9 The last sentence of paragraph 2, "although this data is
10 from the MSW incinerators, these factors indicate that it
11 is very likely conversion technologies with the most
12 advanced environmental controls would be able to meet
13 regulatory requirements in California." There is nothing
14 in our recommendations that is not in the report. We're
15 just saying take them out of the report and highlight it.
16 So we aren't asking for anything new. That was an
17 important point, and there it is. I don't know --

18 BOARD MEMBER WASHINGTON: I think it should say
19 "can be."

20 CHAIRPERSON MARIN: It's either "can be" or we
21 take the language from there, "would be".

22 SENATOR ROBERTI: Take the language from there.

23 CHAIRPERSON MARIN: "Would be expected." "Would
24 be expected."

25 BOARD MEMBER WASHINGTON: So we're striking "can"

1 and put "would."

2 DEPUTY DIRECTOR WOHL: The next one I think we're
3 fine with. We might add the word "scientifically
4 inaccurate," you know just to clarify that.

5 CHAIRPERSON MARIN: Scientifically inaccurate.
6 They're just inaccurate. They're inaccurate, inaccurate
7 scientifically, whatever.

8 BOARD MEMBER WASHINGTON: Patty, why would you
9 say scientifically? Or whoever wants to --

10 BRANCH MANAGER FRIEDMAN: Well, I think the idea
11 is there's policy considerations that happen at the
12 Legislature that are not necessarily 100 percent science
13 based. And so we wanted to make the distinction that
14 these definitions are scientifically inaccurate based on
15 the results of our studies.

16 BOARD MEMBER MULÉ: Scientifically and otherwise.

17 BOARD MEMBER PEACE: I think that's important We
18 put in that "scientifically."

19 CHAIRPERSON MARIN: Okay. "Scientifically" it
20 is. Going once. Okay.

21 BOARD MEMBER WASHINGTON: Madam Chair, just for
22 clarification, how would it read? Read it now.

23 CHAIRPERSON MARIN: "Definitions of conversion
24 technologies in current statute are scientifically
25 inaccurate and should be amended."

1 BOARD MEMBER WASHINGTON: Okay. All right.

2 CHAIRPERSON MARIN: I think the rest is the same,
3 if I'm fast reading. I think the last part --

4 DEPUTY DIRECTOR WOHL: I think the last part is a
5 little bit longer than ours. Instead of putting in our
6 recommendations, we're really saying, here's the report,
7 and the recommendations are in there. So we were just
8 attempting to be more succinct. They start to identify
9 each of those again. So I guess I think it's cleaner to
10 just leave it, you know, and adopt the report. So if
11 you're okay with that.

12 BOARD MEMBER PEACE: All these things that we're
13 talking about adding in here, we don't have to go back to
14 the report at all and change anything? They're already in
15 the report and we're just highlighting them here in the
16 Resolution. And you said they're already in the executive
17 summary, the executive summary was already okay?

18 DEPUTY DIRECTOR WOHL: Yes. I think the last
19 part we're just saying, just say adopt the report, instead
20 of then say all the recommendations in the report, which
21 is where they go with the next --

22 CHAIRPERSON MARIN: No. But there are a couple
23 of other things, if you turn the page, I think we need to
24 go through.

25 DEPUTY DIRECTOR WOHL: But those are the

1 recommendations.

2 CHAIRPERSON MARIN: No. There are a couple of
3 other things.

4 Senator Roberti.

5 SENATOR ROBERTI: Thank you, Madam Chair.

6 Those four points are terribly critical to
7 conversion technology moving along. Those are the heart
8 and sole of conversion technology in the current dispute.
9 And having them, with all due respect, buried, I don't see
10 the point. They should be highlighted. Again, we're not
11 asking for anything that hasn't been found in this report
12 and in the U.C. Davis study. But at some point we hope
13 and we appreciate the work that's being done on this that
14 we show a little muscle. Without it, we will not get
15 through.

16 CHAIRPERSON MARIN: Thank you, Senator. Okay.

17 Board members, we have the re-statement of a
18 couple items in the "now therefore be it resolved." And
19 oftentimes, that is actually -- on a Resolution,
20 oftentimes you make your case as to whereas all of this is
21 happening. And then the therefore is giving -- we adopt
22 this. So it's a re-statement of some of the things that
23 you've already said.

24 I don't have a problem with restating that, only
25 because that's traditionally one of the ways that

1 Resolutions are written. But if I may, I think we just
2 need to go through them.

3 DEPUTY DIRECTOR WOHL: Sure, because I think we
4 have an issue with the second one. Are we at the top of
5 the second page?

6 CHAIRPERSON MARIN: Let's just finish with the
7 first one. We're basically restating the existing
8 definition of gasification is scientifically inaccurate
9 and should be amended. I'm sorry. Should be deleted.

10 DEPUTY DIRECTOR WOHL: That's fine with us.

11 CHAIRPERSON MARIN: Okay. That's one. Everybody
12 okay with that restatement?

13 Okay. The next one. The transformation
14 definition be amended to mean the combustion or
15 incineration of solid waste.

16 DEPUTY DIRECTOR WOHL: We're fine with that.

17 CHAIRPERSON MARIN: Anybody?

18 Conversion technologies be recognized as landfill
19 diversion technologies and distinguished from disposal and
20 incineration.

21 DEPUTY DIRECTOR WOHL: I think our recommendation
22 would be to modify that.

23 CHAIRPERSON MARIN: How so?

24 DEPUTY DIRECTOR WOHL: "Conversion technologies
25 be recognized as distinguished from disposal and

1 incineration," but maybe the terminology "landfill
2 diversion technologies" we would recommend deleting.

3 CHAIRPERSON MARIN: But we are diverting them
4 from landfill. They're not going into the landfill.

5 DEPUTY DIRECTOR WOHL: I guess it's just a little
6 bit risky terminology that, you know --

7 CHAIRPERSON MARIN: Well, we're either diverting
8 them or we're not; right? So explain to me how is it
9 risky. Explain it to me.

10 BOARD MEMBER MULÉ: Why don't you read it, Patty,
11 with deleting the few words that you want to.

12 DEPUTY DIRECTOR WOHL: Sure. "Conversion
13 technologies be recognized as distinguished from disposal
14 and incineration." That piece be what we highlight, that
15 we are trying to distinguish it as just those two things.

16 CHAIRPERSON MARIN: Is that proper grammar,
17 "Conversion technologies be recognized as distinguished"?

18 DEPUTY DIRECTOR WOHL: Or just I guess we can
19 just say, "be distinguished from disposal incineration"
20 and take out the "be recognized." I don't know if staff
21 has any comments on that.

22 BRANCH MANAGER FRIEDMAN: Madam Chair, I think
23 it's the word "diversion." Yes, they're diverting from
24 landfill, but the connotation of the word "diversion" is
25 something greater than just not going to a landfill. And

1 I think making the distinction that they're different from
2 going to landfills would likely not cause confusion.

3 CHAIRPERSON MARIN: So, "Conversion technologies
4 be recognized as being distinct from disposal and
5 incineration," as being different?

6 BRANCH MANAGER FRIEDMAN: Different. Distinct,
7 different.

8 CHAIRPERSON MARIN: Okay. Is everybody in
9 agreement with that or not or do the same or tap dance for
10 a while?

11 BOARD MEMBER MULÉ: I think Legal is going to
12 come up with something for us.

13 CHAIRPERSON MARIN: Yes, Mr. Block, everybody is
14 looking at you.

15 STAFF COUNSEL BLOCK: I've just been informed the
16 document we're working off of, apparently there aren't
17 copies in the back. So there are some folks in the
18 audience that aren't sure what we're talking about. Just
19 a logistical problem.

20 CHAIRPERSON MARIN: Does anybody need a copy of
21 what we're talking about? Okay. Can we get some copies?
22 I'll give my copy to somebody. How many do we need? Make
23 ten, Debbie.

24 BOARD MEMBER MULÉ: Elliot, we were hoping that
25 you can provide on that third item, "Conversion

1 technologies be recognized as landfilled diversion
2 technologies and distinguished from disposal and
3 incineration." Staff was recommending we delete
4 "recognized as landfill diversion technologies," and so
5 I'm looking to you guys, to Legal, for some guidance on
6 this one.

7 STAFF COUNSEL BLOCK: Well, in terms of what
8 staff is recommending, it sounds like it's fairly similar
9 to the change you made on the page before where you
10 dropped out the words "and superior to" and just talked
11 about it's distinct from.

12 What Judy was talking about before is the term
13 "diversion" itself has a number of other layers and
14 meanings to it. And please correct me if I'm wrong. I
15 think the concern is just by using the term, yes, this
16 does divert them from landfills. But the term "diversion"
17 itself has a broader meaning within various uses in the
18 act. I think the concern was just to not give people the
19 wrong idea. And, of course, the very next sentence you're
20 going to get to talks about diversion credit.

21 Typically, when you say something is diversion,
22 it means it's all diversion. And your very next line is
23 going to be talking about only a portion of it shall be
24 counted as diversion. So, basically, to just be a little
25 bit clearer and to keep that from being confusing. But

1 also keeping the sentence to the extent we're clearly
2 wanting to say it is different than incineration and
3 disposal. It's certainly different.

4 CHAIRPERSON MARIN: Okay. So we had on the very
5 front page, we had, "Conversion technologies are distinct
6 from and can result on substantial environmental" -- so if
7 we're going to have basically the same statement where
8 conversion technologies are different from disposal and
9 incineration. Okay.

10 DEPUTY DIRECTOR WOHL: That works for us, unless
11 Fernando has an idea.

12 CHAIRPERSON MARIN: Fernando.

13 ORGANICS MATERIALS MANAGEMENT SUPERVISOR BERTON:
14 I like the idea of tap dancing.

15 How's this? "Conversion technologies divert
16 material from landfills and are distinct from disposal and
17 incineration." I might have just restated what you said.

18 CHIEF COUNSEL CARTER: Excuse me, Madam Chair.
19 Would it be possible to take a few minutes' break? We're
20 waiting for the copies, and that will give us a chance to
21 wordsmith this a little bit.

22 CHAIRPERSON MARIN: You know what? There's one
23 more item. But because there are some people that did not
24 have a copy of this, what I'm going to do, with the
25 prerogative of the Chair, we're going to go to closed

1 session. That will give enough people the time to look at
2 the changes. And when we come back, we will just be
3 dealing with the last two minor paragraphs.

4 Closed session will be about 15 to 20 minutes for
5 those of you that need to catch planes. Okay.

6 CHIEF COUNSEL CARTER: Excuse me, Madam Chair. I
7 need to make the announcement regarding closed session.

8 We're going into closed session in reference to
9 Government Code Section 11126(e), potential litigation.

10 CHAIRPERSON MARIN: Thank you.

11 So make sure that anybody that needs a copy of --
12 we're going into closed session, and everybody can read
13 what it says. Thank you.

14 (Thereupon the Board recessed into closed
15 session at 3:11 p.m.)

16 (Thereupon the Board resumed open session at 3:39
17 p.m.)

18 CHAIRPERSON MARIN: We're going to reconvene.
19 And call the roll, please.

20 EXECUTIVE ASSISTANT JIMENEZ: Washington?

21 BOARD MEMBER WASHINGTON: Here.

22 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

23 BOARD MEMBER MULÉ: Here.

24 EXECUTIVE ASSISTANT JIMENEZ: Peace?

25 BOARD MEMBER PEACE: Here.

1 EXECUTIVE ASSISTANT JIMENEZ: Marin?

2 CHAIRPERSON MARIN: Here.

3 And there were no ex partes. Well, Tony Young.

4 I spoke to Tony Young for just a second.

5 Any other ex partes from anybody? No. Everybody
6 is up to date.

7 Thank you so very much for waiting for us. I
8 hope everybody that needed to see what we were talking
9 about has seen what we were talking about. And want to
10 make sure that nobody feels they were left out in any way,
11 shape, or form.

12 DEPUTY DIRECTOR WOHL: Madam Chair, in part of
13 our discussion, suggestion we had a couple other things
14 that we'd like to do to clarify, if that's okay.

15 CHAIRPERSON MARIN: Okay. I have one minute,
16 Patty. I'm kidding.

17 DEPUTY DIRECTOR WOHL: I'll be quick. The first
18 paragraph that doesn't have the whereas, we are taking out
19 "and superior to." So it will now read, "Conversion
20 technologies are distinct from landfills and
21 incineration," and the rest of this sentence is the same.

22 The next one is the one where we wanted to make a
23 slight change after talking with Legal and internal staff.
24 We would like -- the first sentence is as is.

25 The second sentence, "The proposed Board

1 requirements for diversion eligibility for such facilities
2 will require that conversion technologies facilities
3 complement the local infrastructure." What we'd like to
4 remove there is "permitting structure" and add
5 "requirements for diversion eligibility." I think that's
6 more in line with what they meant for that particular
7 sentence.

8 BOARD MEMBER WASHINGTON: Have you checked this
9 with the author?

10 DEPUTY DIRECTOR WOHL: Yes. We checked this with
11 the author.

12 CHAIRPERSON MARIN: Can you just read it again,
13 because I know everybody is taking shorthand.

14 DEPUTY DIRECTOR WOHL: Delete "permitting
15 structure" from the second sentence and add "requirements
16 for diversion eligibility."

17 So it would read, "The proposed Board
18 requirements for diversion eligibility," and then it
19 finishes "for such facilities," it goes on.

20 EXECUTIVE DIRECTOR LEARY: Madam Chair, may I
21 raise an issue?

22 CHAIRPERSON MARIN: Yes, Mr. Leary.

23 EXECUTIVE DIRECTOR LEARY: I guess I'm a little
24 uncertain and weary of stating in a whereas talking about
25 an action the Board may take in the future and

1 pre-supposing that action and maybe even creating
2 precedent for that action for an activity or regulation or
3 regulatory process the Board has yet to consider.

4 And I ask the Board to consider, do you want to
5 make a commitment about what you will do in the future,
6 even though it's just a whereas and not the resolve part
7 of this Resolution, today, when you haven't considered it
8 in its entire regulatory package or under some other
9 larger policy consideration?

10 DEPUTY DIRECTOR WOHL: I thought by taking out
11 "permitting structure" that we're no longer talking about
12 the regulations any more.

13 EXECUTIVE DIRECTOR LEARY: You're talking about
14 requirements. "The proposed Board requirements" for
15 something they will consider in the future. I'm not sure
16 that sentence adds a lot of value to this Resolution, and
17 I don't know it's necessary. The Board will take that up
18 at some time in the future and decide that in the future.

19 BOARD MEMBER PEACE: I take it to mean when we do
20 decide that in the future that they will maintain or
21 enhance the environmental benefits.

22 CHAIRPERSON MARIN: Okay. Ms. Mulé.

23 BOARD MEMBER MULÉ: Madam Chair, it's part of --

24 MS. MARTIN: Board members, the reference here
25 was to a Resolution that your Board has already adopted,

1 Resolution 2002. It's Attachment 2 in your current Board
2 letter. And that was the reference to this. It is a
3 matter your Board has already considered and adopted.

4 EXECUTIVE DIRECTOR LEARY: May we propose is
5 unnecessary.

6 CHAIRPERSON MARIN: "The Board requirements for
7 diversion." Just delete "proposed."

8 EXECUTIVE DIRECTOR LEARY: Delete "will." So
9 it's not something that occurs in the future.

10 CHAIRPERSON MARIN: It will read, "The Board's
11 requirement for diversion eligibility for such facilities
12 require that conversion technologies facilities compliment
13 the local infrastructure and they maintain or enhance the
14 environmental benefits and economic sustainability of the
15 integrated waste management system."

16 BOARD MEMBER MULÉ: Thank you.

17 CHAIRPERSON MARIN: Thank you for everybody's
18 contribution.

19 The next one.

20 DEPUTY DIRECTOR WOHL: This one, we want to
21 delete the reference to gasification and pyrolysis as well
22 as that phrase, and just add thermal chemical and
23 biochemical. Because we didn't specify what the
24 biochemical was, we're just saying why specify what the
25 thermal chemical is.

1 CHAIRPERSON MARIN: Read it again.

2 DEPUTY DIRECTOR WOHL: So it would say,
3 "Conversion technologies such as thermal chemical and
4 biochemical conversion systems would be expected to meet
5 federal, state," and go on from there.

6 BOARD MEMBER PEACE: I thought you'd mentioned
7 before we would totally take it all out and just say,
8 "Conversion technologies would be expected to meet
9 federal, state."

10 DEPUTY DIRECTOR WOHL: That was not agreed upon
11 before, but I think it says the same thing. So either way
12 is fine.

13 BOARD MEMBER PEACE: I kind of hate to limit it
14 to those two, because what about technologies that haven't
15 even been imagined yet?

16 DEPUTY DIRECTOR WOHL: "Conversion technologies
17 would be expected to meet," and just take that out.

18 The next one we added the word "scientifically."
19 "Definitions of conversion technologies in current statute
20 are scientifically inaccurate."

21 CHAIRPERSON MARIN: Okay.

22 DEPUTY DIRECTOR WOHL: Then we move all the way
23 to the flip side of the page. And this is where you left
24 us last.

25 CHAIRPERSON MARIN: Yes.

1 DEPUTY DIRECTOR WOHL: So we've come up with,
2 "Conversion technologies are distinct from landfills and
3 incineration." So that's just a statement.

4 And then the next one we want to modify to say,
5 "The Legislature should consider some level of diversion
6 credit for conversion technology facilities in accordance
7 with the conditions set forth in Board Resolution
8 2002-177."

9 And we changed this to "some level," because the
10 report actually says "some level," even though that
11 specific Board Resolution said 10 percent. But I think
12 we're wanting to be somewhat flexible there. And we want
13 to be consistent with the report, because this says as
14 demonstrated in the report. So I think --

15 CHAIRPERSON MARIN: This also enables the
16 Legislature to set it up at 100 percent if they so desire.

17 DEPUTY DIRECTOR WOHL: So industry is okay with
18 these changes, the author, Legal, and internal staff.

19 I would just say that, you know, I talked to
20 Scott Smithline, and he feels like they haven't had
21 adequate time to review these changes.

22 BOARD MEMBER WASHINGTON: Didn't Scott -- he made
23 a comment about the diversion credit piece where the
24 facilities that need to be permitted -- and tell us,
25 Scott, what you had said about that.

1 MR. SMITHLINE: If I may, Scott Smithline,
2 Californians Against Waste.

3 I'm hesitant to engage in this detailed dialog on
4 any of this at this point. I'm currently working off a
5 trade association supplied document that came
6 three-quarters of the way through the meeting and I have
7 three versions of changes scribbled on it already.

8 I'm not able to support or oppose this. But I'm
9 able to oppose the process at this point. I would need to
10 sit down with these, look at the report, see what's in
11 there, and see what's not. This was presented as
12 something that was taken from the report. But, clearly,
13 some of these things, to my reading of the report -- I
14 maybe have missed them -- were not in the report. So I'm
15 hesitant to get into a detailed dialogue with you.

16 I'll be happy to answer your question about what
17 I said earlier. But for the record, we're opposed to this
18 process at this point.

19 CHAIRPERSON MARIN: Appreciate that.

20 MR. SMITHLINE: With respect to what I said about
21 diversion, our position is that providing diversion credit
22 for any of these facilities really provides a state
23 mandate for these facilities. And that before we create
24 that state mandate for these facilities -- let me just
25 take one step back.

1 Many of industry representatives have suggested
2 that you need to remove the barriers from them building
3 these facilities. I don't see the barriers. They can
4 build these now. And I think what they really want is
5 basically government subsidies and mandate through
6 diversion. There's no reason they can't build these
7 facilities right now. The reason they can't is they're
8 very expensive. That's one of our concerns.

9 We supported the permit process that really
10 industry decided to squash at the last moment. Permit
11 them. Let them build. Let's monitor them. If they're
12 good for the environment, good for recycling, and good for
13 the economy, then we can assess them and provide diversion
14 credit for them. It seems the cart is well before the
15 horse in this instance.

16 BOARD MEMBER MULÉ: But, Scott, isn't the
17 existing Board policy to grant 10 percent credit?

18 MR. SMITHLINE: The policy that was referenced in
19 this, 2002-177.

20 BOARD MEMBER MULÉ: Staff -- we already have an
21 existing policy. And I think what the report is
22 recommending is that we revisit that policy -- or that the
23 Legislature revisit that policy. So I just want to make
24 sure that everybody understands the existing Board policy
25 does allow for 10 percent diversion credit.

1 CHAIRPERSON MARIN: Thank you, Mr. Smithline.

2 Okay.

3 Now next item then, your very last.

4 DEPUTY DIRECTOR WOHL: I think we're asking you
5 to vote on adoption of this. I think -- didn't we go
6 through them all? We've been through all these. The
7 question would be, is the Board prepared to vote and
8 approve Option 1.

9 CHAIRPERSON MARIN: I tell you what. I have my
10 superduper computer here. 2005-78 revised, revised,
11 revised.

12 Is there a motion to approve this Resolution?

13 BOARD MEMBER MULÉ: I move approval.

14 CHAIRPERSON MARIN: Is there a second?

15 BOARD MEMBER PEACE: Second.

16 CHAIRPERSON MARIN: Moved by Mulé, seconded by
17 Ms. Peace.

18 Call the roll, please.

19 EXECUTIVE ASSISTANT JIMENEZ: Washington?

20 BOARD MEMBER WASHINGTON: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

22 BOARD MEMBER MULÉ: Aye.

23 EXECUTIVE ASSISTANT JIMENEZ: Peace?

24 BOARD MEMBER PEACE: Aye.

25 EXECUTIVE ASSISTANT JIMENEZ: Marin?

1 CHAIRPERSON MARIN: Aye.

2 Can you believe it? We did it. I cannot believe
3 we did it. Thank you so very much.

4 Any further comments? That's the last item from
5 the agenda.

6 Senator Roberti.

7 Just so that you know, the Senator, I'm extending
8 all of these courtesies because he used to be a Board
9 member. And if I'm ever in his shoes, I want the same
10 courtesies extended to me.

11 SENATOR ROBERTI: I'm sure they will be extended.

12 First, thank you very much.

13 And, second, I feel constrained to respond to
14 Mr. Smithline's comment about a trade association
15 document. This is not a trade association document.
16 Everything that was in that document was either in the
17 Resolution that had been passed previously by the Board or
18 were in the report itself. If you want to call it an
19 English language document, maybe you can do that. It is
20 not a trade association document. There is absolutely
21 nothing new.

22 CHAIRPERSON MARIN: Thank you for that comment,
23 Senator. I think that to Mr. Smithline's point was he
24 didn't have all of those documents beforehand.

25 SENATOR ROBERTI: I understand Mr. Smithline. I

1 have the greatest respect for him.

2 CHAIRPERSON MARIN: He's taking a leap of faith
3 believing that somewhere, somehow all of this is exactly
4 as we said. I want to believe that, in fact, it is. But
5 I appreciate what he's saying.

6 Thank you, Senator Roberti, for your comments.

7 Any further comments from anybody up here? Thank
8 you, everybody. Thank you, Counsel Member, and everybody.
9 Thank you so much. We'll see you next month.

10 (Thereupon the California Integrated Waste
11 Management Board, Board of Administration
12 adjourned at 3:52 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 25th day of March, 2004.

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23 TIFFANY C. KRAFT, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 12277

Please note: These transcripts are not individually reviewed and approved for accuracy.